

**ATTACHMENT: RESPONSES TO COMMENTS ON THE DRAFT EIR**

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**FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE GWIN ESTATES SUBDIVISION**

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CITY FILE NO: ER 87-63  
CITY REF. NO: PUD 89-270  
SCH NO: 89030704

Prepared for the City of Oakland

by

WAGSTAFF AND ASSOCIATES  
Urban and Environmental Planners

in association with

The Goodrich Traffic Group, Transportation Planners  
Darwin Myers Associates, Engineering Geologists  
Charles Patterson, Consulting Biologist  
Armin Wright, Acoustical Consultant

December 1989



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Contributions to the Draft EIR by the Planning Commission must occur prior to any final action by the City on the proposed Gwin Estates project. If the Planning Commission and the City Council were to approve the proposed residential development, no public hearings should be conducted in the EIR, and the EIR could be rendered as conclusive at that point.

In addition, many of the public review period comments on the adequacy of the Draft EIR, which strong and negative comments were incorporated into the Final EIR, will be reflected in the Final EIR (V), which should be more reflective of those identified in the Draft EIR.

Additional comments made by commenters in the proposed Gwin Estates project and the Draft EIR, and the public hearings on the Draft EIR, will be incorporated into the Final EIR, and will be reflected in the Final EIR (V), which should be more reflective of those identified in the Draft EIR.



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## I. INTRODUCTION

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The Final Environmental Impact Report for the proposed Gwin Estates Subdivision consists of two volumes: (1) the Draft EIR (August 1989), which was distributed for review and comment on August 25, 1989, and (2) this Final EIR attachment. In keeping with the California Environmental Quality Act (CEQA) Statutes and Guidelines, 1986, (Section 15132), this attachment includes the following additional components which, together with the August 1989 Draft EIR, comprise the Final EIR:

- (a) A list of persons, organizations, and agencies commenting on the Draft EIR;
- (b) Copies of all written comments received on the Draft EIR within the public review period;
- (c) A summary of the public hearing testimony on the adequacy of Draft EIR heard by the Oakland Planning Commission at its regular meeting of October 4 1989;<sup>1</sup> and
- (d) The responses of the city (the Lead Agency) to all significant environmental points raised in these written and oral comments pertaining to the adequacy of the Draft EIR.

Certification of this Final EIR by the Planning Commission must occur prior to any final action by the city on the proposed Gwin Estates project. If the Planning Commission and the City Council were to approve the proposed residential development, selected mitigation measures suggested in this EIR could be required as conditions of project approval.

In response to many of the public review period comments on the adequacy of the Draft EIR, impact finding and mitigation revisions have been included in the Errata section of this attachment (section IV) which modify or are additive to those described in the Draft EIR.

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<sup>1</sup>Verbatim comments made in regard to the proposed Gwin Estates project and the Draft EIR at the Planning Commission meeting of October 4, 1989 are available for review on audio tape (i.e., the tape-recorded proceedings of the public hearing) at the City of Oakland Planning Department.

All such revisions to the Draft EIR are indicated in section IV with a bold **r** in the left margin adjacent to the revised line.

The state-mandated 45-day public review period on the Draft EIR began on August 25, 1989 and ended on October 10, 1989. Comments were received during this period in the form of forty (40) written letters, plus public hearing oral testimony by fourteen (14) individuals and additional oral comments by two (2) members of the Planning Commission. The city's responses to these comments are provided in section III of this attachment.

## II. INDEX TO COMMENTS AND RESPONSES

Topics raised, and persons, organizations, and agencies commenting on the Draft EIR within the public review period are listed in this section. As explained earlier, comments were submitted in the form of both letters and public hearing testimony. Each letter or public hearing commentator has been assigned a reference number (1, 2, 3, etc.) to assist in the organization and use of this document. In addition, each significant environmental point raised in the letter or testimony is assigned a secondary number (1.1, 1.2, 1.3; 2.1, 2.2, 2.3, etc.).

Section II.A below provides a list of comments by topic (environmental point), and the related comment/response reference numbers used in this Final EIR. The reference numbers indicate where related full written comments and associated responses can be found in section III of this document. In addition, section II.B of this chapter lists all letters and oral testimony received during the Draft EIR public review period. The list of letters includes the reference number used in this document,<sup>1</sup> the addressee of each letter, the letter author (person/agency), and the letter date. Similarly, the list of oral testimony includes the reference number and the name/agency of each person testifying in the October 4, 1989 Planning Commission public hearing.

### A. INDEX TO COMMENTS AND RESPONSES BY TOPIC

<u>Topic</u>	<u>Comment and Response</u>	<u>Reference Number</u>
Project Description:		
■ Length of construction period	1.1, 6.11, 6.14, 7.2, 11.2, 28.1, 41.5, 45.1, 50.1	
■ Landscaping	45.1	

<sup>1</sup>Letters and testimony (summary of the proceedings of the public hearing) corresponding to these code numbers are included in section III of this attachment. Each letter or summarized testimony is then followed by the written responses of the Lead Agency (i.e., the city of Oakland).

## Land Use and Visual Factors:

- OCP policy consistency
  - General 1.2, 6.1
  - Housing Element 1.2
  - Ravine fill 3.5
- Allowable development capacity; R-30 zoning allowances 1.3, 29.2
- Variations from normal city requirements 3.2
- Semi-rural character of area 3.4
- Land use compatibility impacts 23.2
- Comparison with impacts under R-30 zoning 6.13, 38.2, 40.1, 41.6, 47.1
- Appropriateness of a P.U.D. (cluster development) 7.1

## Transportation:

- Vehicular access 3.1, 42.1
- Traffic generation 3.6
- Location of lot 2 driveway 3.7
- Emergency access 5.1, 6.15, 29.1
- Onstreet parking 29.1
- Broadway Terrace widening (impacts) 11.3
- Broadway Terrace widening (need) 56.2
- Additional parking proposed 44.1
- Broadway Terrace/Gwin Road intersection safety 51.2
- General adequacy of analysis 56.1
- Cumulative projects 56.1

## Geotechnical Factors:

- Excavation intent (fill) 3.8
- Cut-slope steepness 3.9
- Drainage/erosion impacts 3.10, 3.11, 11.2
- Drainage mitigations 3.12
- 100-year storm 3.12
- Comprehensive geotechnical analysis required 6.9
- Landslide history 6.10, 35.1, 48.1

▪ Liabilities	26.1, 48.1
▪ Slope instability mitigations	26.1, 48.1
 Drainage:	
▪ Drainage/erosion impacts	3.10, 3.11, 11.2
▪ Drainage mitigations	3.12
▪ 100-year storm	3.12
▪ History of erosion drainage; Ruthland/Swainland area	6.10, 48.1
▪ Revegetation	11.1
▪ Erosion control plan adequacy	6.11
▪ Lake Temescal impacts	6.12, 34.1
 Vegetation and Wildlife:	
▪ Tree removal (number, etc.)	3.3, 3.16, 46.1
▪ Ravine filling	3.18, 3.20
▪ General adequacy	6.6
▪ Impacts understated	6.7
 Alternatives:	
▪ Four-unit alternative needed	1.3, 6.4, 6.5, 10.1, 38.1, 46.2
▪ Seven-unit alternative infeasible	3.19
▪ R-30 zoning alternative needed showing 12 units	40.1, 47.1
 Miscellaneous Comments on Draft EIR:	
▪ Compliance with CEQA	6.2
▪ Cumulative impact discussion	6.8
▪ Air quality	6.16
▪ Fire safety during construction	51.1
▪ EIR is adequate	39.1, 54.1
Planning Commission Proceedings	36.1, 37.1

Project Merits:

▪ Clustering should be avoided	6.3
▪ Other comments regarding the merits of the project	8.1, 9.1, 12.1, 13.1, 14.1, 15.1, 16.1, 17.1, 18.1, 19.1, 20.1, 21.1, 22.1, 23.1, 24.1, 25.1, 27.1, 30.1, 31.1, 32.2, 33.1, 43.1, 49.1, 52.1, 53.1, 55.1

**B. LIST OF PERSONS, ORGANIZATIONS, AND AGENCIES COMMENTING ON THE DRAFT EIR**

**Written Comments**

1. Letter to Alvin James, Planning Director; from **Mark Cameron and Jeanine Weller, 15038 Broadway Terrace, Oakland**; September 13, 1989
2. Letter to Anu Raud, Assistant Planner; from **Ivan Vegvary, Project Manager**; September 25, 1989
3. Letter to Planning Commission; from **William Weissberg, Montclair Investments, Inc., Project Sponsor**; September 25, 1989
4. Letter to Planning Commission; from **C. S. and Georgia Huber, 16030 Broadway Terrace, Oakland**; September 27, 1989
5. Letter to Planning Commission; from **Walter and Maxine Palmer, 6333 Fairlane Drive, Oakland**; September 29, 1989
6. Letter to Planning Commission; from **Vivienne Verdon-Roe, Forest Park Neighborhood Association**; September 30, 1989
7. Letter to Planning Commission; from **Richard LeGates, 6501 Gwin Road, Oakland**; September 30, 1989
8. Letter to Planning Commission; from **Joanne Fraser, 6501 Gwin Road, Oakland**; September 30, 1989
9. Letter to Planning Commission; from **Beth Jahn Hoge and David Hoge, 6534 Gwin Road, Oakland**; September 30, 1989
10. Letter to Planning Commission; from **Michael Freund, legal counsel for the Forest Park Neighborhood Association**; October 1, 1989

11. Letter to Planning Commission; from **Karin Schlachter, 6550 Gwin Road, Oakland**; October 1, 1989
12. Letter to Planning Commission; from **Kevin and Debra Medlock**; undated
13. Letter to Planning Commission; from **Mr. and Mrs. Donald Carlyle**; undated
14. Letter to Planning Commission; from **Cherie Stallone**; October 1, 1989
15. Letter to Planning Commission; from **Victor Walsh**; October 1, 1989
16. Letter to Planning Commission; from **Judy Sutherland, 6291 Ruthland Road, Oakland**; October 1, 1989
17. Letter to Planning Commission; from **Jules Gutman**; undated
18. Letter to Planning Commission; from **Gerald Madden**; undated
19. Letter to Planning Commission; from **Dave Hyde**; October 1, 1989
20. Letter to Planning Commission; from **Waymond Fung**; October 1, 1989
21. Letter to Planning Commission; from **Charles Walter, 6195 Swainland Road, Oakland**; undated
22. Letter to Planning Commission; from **Nancy Fung**; undated
23. Letter to Planning Commission; from **Janet Splitter, 6373 Fairlane Drive, Oakland**; undated
24. Letter to Planning Commission; from **Kathleen Roth, 6279 Virgo Road, Oakland**; undated
25. Letter to Planning Commission; from **Alice Dorman**; October 1, 1989
26. Letter to Planning Commission; from **Shelly Levinthal, 6320 Swainland Road, Oakland**; October 1, 1989
27. Letter to Planning Commission; from **Rodney Hensen, 6279 Ruthland Road, Oakland**; October 1, 1989
28. Letter to Alvin Jones, Planning Director; from **Dorit Learned, 6061 Merriewood Drive, Oakland**; October 2, 1989
29. Letter to Planning Commission; from **Karen Klaber, 6560 Gwin Road, Oakland**; October 2, 1989
30. Letter to Planning Commission; from **Carla Itzkowich, 6351 Swainland Road, Oakland**; October 2, 1989
31. Letter to Planning Commission; from **Jon Golding, 6351 Swainland Road, Oakland**; October 2, 1989
32. Letter to Planning Commission; from **Norma Armon, 6351 Swainland Road, Oakland**; October 2, 1989
33. Letter to Planning Commission; from **Diane Schneider, 15038 Broadway Terrace, Oakland**; October 3, 1989

34. Letter to Anu Raud, Assistant Planner; from **T. H. Lindenmeyer, East Bay Regional Park District**; October 5, 1989
35. Letter to Planning Commission; from **Andrew and Dorothea Allen, 6518 Gwin Road, Oakland**; October 5, 1989
36. Letter to Planning Commission; from **Michael Porter, 6511 Gwin Road, Oakland**; October 6, 1989
37. Letter to Planning Commission; from **Vivienne Verdon-Roe**; October 8, 1989
38. Letter to Planning Commission; from **Richard LeGates, 6501 Gwin Road, Oakland**; October 9, 1989
39. Letter to Planning Commission; from **Patricia Mitchell, 6171 Buena Vista Avenue, Oakland**; October 9, 1989
40. Letter to Anu Raud, Assistant Planner; from **Ivan Vegvary, Project Manager**; October 9, 1989

**B. Public Hearing Testimony; October 4, 1989 Planning Commission Meeting**

41. Ivan Vegvary, Project Manager
42. William Weissberg, Montclair Investments, Inc., Project Sponsor
43. Richard Schadt, Project Landscape Architect
44. Izzat Nashashibi, Project Engineer
45. Paul Vincent, Project Architect
46. Vivienne Verdon-Roe, Forest Park Homeowners Association
47. Richard LeGates
48. Andrew Allen
49. William Hull
50. Michael Porter
51. Gordon Henderson, City Planning Commissioner
52. Nancy Fung
53. Dave Riker
54. Patricia Mitchell
55. Harry Metaxas
56. Bruce Black, City Planning Commissioner

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### III. COMMENTS AND RESPONSES

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#### A. WRITTEN COMMENTS

Verbatim letters received during the Draft EIR public review period follow. Each letter is followed by the Lead Agency's response to significant environmental points raised in the letter with regard to the adequacy of the Draft EIR. Comments and responses are correlated by code numbers added to the margins of each letter.

Note: Where appropriate, a response to an environmental point may refer to an associated revision to the Draft EIR text. These text revisions are included in section IV of this attachment, entitled "Revisions to the Draft EIR (Final EIR Errata)." On these EIR errata pages, text revisions are indicated by a bold r in the left margin adjacent to the revised line.



September 13, 1989

ER 87-67

Rec'd 10-10-87

Mr. Alvin James  
Director of City Planning  
----and---  
City Planning Commissioners  
City of Oakland

Re: Response to Draft EIR for Proposed project known as GWIN ESTATES  
File No. ER 87-63, Ref. No. PUD 89-270

Dear Mr. James and Commissioners:

This letter is in response to the draft EIR developed by Wagstaff Associate for the above referenced project. As homeowners of the property directly adjacent to the proposed site, the project bears significant impact on our property from all points of view: noise, traffic, land use, potential geological hazard, visual character and neighborhood character. Our specific concerns were previously outlined in a letter responding to the city's preliminary review and Notice of Preparation.

We continue to have serious concerns as we regard the analysis of these issues presented in the draft EIR. We are specifically concerned with three interrelated issues involving the number of units being proposed for the site, proposed construction phasing and the potential for drastic disruption of the neighborhood over an extended period of time with potential unmitigatable problems derived therefrom.

1) The EIR is based on the erroneous assumption that the proposed development will be completed in one year's time (p. 3 of Introduction). According to the developer's statements to the neighbors this is not true. He has stated that he intends to proceed with construction of 2-3 houses at a time, with initial development of the infrastructure and tree removal at the outset. At this rate of construction and sales, total buildout of ten houses could take 4-5 years or longer, depending on the real estate market and whether the developer decides to proceed immediately with each phase.

This development schedule opens the way for an extended and unreasonable period of construction noise, disruption and hazard to the neighborhood. More importantly, after denuding the site of trees and developing an infrastructure of roads, drainage, sewers, etc., to support the full complement of 10 houses there is no guarantee that the developer will, indeed, build the full ten. In fact, market conditions suggest that it is very unlikely that the demand for \$650,000 houses in the area will be sufficient to warrant full build-out of the project. Consequently, the neighborhood will be left with a large parcel of treeless land with roadways and drainage systems laying barren.

page two  
letter from M. Cameron and J. Weller  
Ref. Case PUD 89-270

2) The draft EIR states that "project is in conformance with OCP Housing Element policies, including the proviso that the City encourages developers to construct a range of housing types, sizes and prices proportionate to the household size and economic characteristics of Oakland's present and future population." (p. 72, draft EIR, p. 77 from Housing Element). Yet, the price of the houses according to the developer will be \$650,000 and his own expectations (according to statements to neighbors) are that they will sell to childless couples or executive couples whose children have grown. Thus, the development does not conform to the housing policy.

According to a study cited in September, 1989 by Kenneth Rosen, chair of UC Berkeley's Center for Real Estate and Urban Economics, excess capacity already exists in the East Bay for homes over \$500,000 and projections are that stock in this category will move very slowly in the future. Coupled with demographic projections (from the same source) indicating that Oakland's population growth through the year 2000 will be not from high income executives but low to middle income immigrants, it seems unlikely that the need for high priced executive housing will increase over the next ten years. Consequently the fear of a semi-completed project laying fallow is even stronger in our minds. The developer must have some of the same concerns or he would be more willing to undertake the financial risk to develop the entire project at one time.

We cannot state strongly enough how disruptive we feel a protracted development schedule and the suggested size of the development will be on us and our neighborhood. We ourselves and many neighbors work at home. Five years of construction noise, dirt, traffic disruption and visual blight is an unreasonable burden to bear. Coupled with our continued concerns for the physical environmental problems of building on a water course at the upper end of the site, with traffic and congestion promoted by the project, and with a vastly different neighborhood character created by the design of ten homes by the same architect with the same materials on a deforested site, we URGE the Planning Commission to decide that the development does not warrant special consideration with the granting of a PUD and should not be given one. We also believe that the EIR has not sufficiently demonstrated the lack of environmental impacts to warrant approval of a 10-lot subdivision and that the commission approve only a scaled back proposal of 4 units maximum which is consistent with R-30 zoning and which truly mitigates the physical, geotechnical, visual, and policy issues discussed by the EIR and by the neighborhood association.

Thank you for your consideration.

*Mark Cameron Jeanine Weller*

Mark Cameron and Jeanine Weller  
15038 Broadway Terrace  
Oakland, CA 94611

1. Mark Cameron and Jeanine Weller: September 13, 1989

- 1.1 The length of the construction period stated in the EIR has been changed in response to this and similar comments (see section IV of this attachment). At the time the DEIR was circulated for public review, the project sponsor had indicated that project construction would occur within a one-year time period. That time frame has since been revised and is reflected in the Final EIR.
- 1.2 The DEIR adequately addresses project relationships to applicable Oakland Comprehensive Plan policies. The referenced Housing Element policy does not constitute a requirement that all residential projects must each include such a range; such a requirement would be unreasonable, particularly for small developments such as the proposed 10-unit project. The policy appears to pertain to cumulative, citywide housing development. Housing needs determinations analyzed for the city of Oakland by the Association of Bay Area governments (San Francisco Bay Area Housing Needs Determinations, ABAG, January 1989) indicate a projected need over the 1988 - 1995 period of nearly 9,000 more housing units in Oakland. Roughly 30 percent of this total need is expected to occur in the "very low" income category, 17 percent in the "low" category, 20 percent in the "moderate" category, and 33 percent in the "above moderate category." Presumably, the project would be targeted to the "above moderate" need category.
- 1.3 An evaluation of a project alternative which includes four residences has been incorporated into the Alternatives chapter of the EIR in response to this and similar comments (see section IV of this attachment). The implication that the site's R-30 zoning would allow a maximum of 4 units is incorrect, however.

As stated on DEIR page 79, the R-30 zone allows one unit per 5,000 square feet, or a maximum density of 8.7 units per acre, which computes to 35 units for the 4.08 acre site. The Oakland comprehensive Plan land use designation for the site, *Suburban Residential*, stipulates a 4.4 units per acre density maximum, which computes to a maximum of 17 units for the 4.08-acre site. However, the actual development capacity of the site appears to be less than 17 units, given the existing development constraints of the steep site.



IVAN VEGVARY, P.E., L.S.

Engineering • Surveying • Subdivisions

40 Terra Teresa  
Lafayette, CA 94549  
(415) 947-1051

September 25, 1989

Ms. Anu Raud, Planner  
3rd Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

ER 87-63

Re: Draft EIR, ER 87-63, PUD 89-270, Gwin Estates Project

Dear Ms. Raud,

Relative to the October 4th, 1989 Planning Commission meeting, please find the following:

- | One, colored, 24"x36", "Preliminary Landscape Master Plan", mounted on foam board.
- | One, colored, 24"x36", "Site Analysis, Preliminary Landscape Master Plan", mounted on foam board.
- | Seven, color photo reduced, 16"x20", "Preliminary Landscape Master Plan".
- | Seven, color photo reduced, 16"x20", "Site Analysis, Preliminary Landscape Master Plan".
- | Developer comments on the Draft EIR (3 pages).
- | One land model, scale 1" = 40', showing subject site, homes, and adjacent neighborhood along with the effected drainage basin. (Note, model will be delivered on Thursday morning, September 28, 1989).

Please distribute the third, fourth and fifth items above to the planning commissioners in their packets. Items one, two and six should be made available for viewing at the planning commission hearing by the commissioners and the public.

If you have any questions, please don't hesitate to call me.

Respectfully submitted,

  
Ivan Vegvary

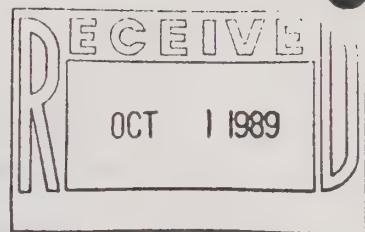
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2. Ivan Vegvary (Project Manager); September 25, 1989

2.1 See responses to letter 3, which follows.

# MONTCLAIR INVESTMENTS, INC.

17 REGULUS COURT  
ALAMEDA, CALIFORNIA 94501  
(415) 523-1112



September 25, 1989

Oakland City Planning Commission  
3rd Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

ER 87-63

Re: Draft EIR, ER 87-63, PUD 89-270, Gwin Estates Project

Dear Planning Commission Member,

In accordance with CEQA regulations, a comment period follows the issuance of a draft EIR. Therefore, please find as follows, our comments on inaccuracies, anomalies and inconsistencies that we have found within the draft document.

1. Inside front cover, Table 1, Page II, "VEHICULAR ACCESS". Only one lot, not two, has driveway access to Broadway Terrace.
2. II. Summary of Findings, Page 7, lines 12-15. There are no variations in lot frontage and building setback, from the city's normal requirements.
3. II. Summary of Findings, Page 9, lines 27-29. Our Landscape Architect's number for tree removal is 124 trees from more than 250, total. Therefore the percentage reduction is more like 50 percent.
4. II. Summary of Findings, Page 10, line 15. "Semi-rural" is not a correct characterization. Urban to light-urban, would be a more precise description of the neighborhood.
5. II. Summary of Findings, Page 12, Mitigation, lines 3-8. The ravine fill is in no way a necessity of this project. the project sponsor would be more that willing to haul off all of the yardage created by the roadway excavations.
6. II. Summary of Findings, Page 13, lines 12-14. The increase traffic generation should be only for 9 units. In fact, until a recent abatement, two units of housing existed on the site.
7. II. Summary of Findings, Page 15, lines 1-12. The lot 2 driveway is north of the intersection, as paved today. Possibly the writer was referring to Lot 1. Note, that Lot 2 driveway can be moved many feet to the west by a simple house redesign.

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Response to Draft EIR, September 25, 1989, Page 2.

8. II. Summary of Findings, Page 16, lines 24-end.  
The project certainly does not require balance excavation, and no fill was ever contemplated on lots 3,4,5,6 and 9, to "accommodate the private street".
9. II. Summary of Findings, Page 18, lines 20-22.  
There are no 1.5:1 slopes shown on our plans. Our cut slopes do not exceed a 2:1 slope.
10. II. Summary of Findings, Page 19, line 10.  
Is the word "Inadequate" hypothetical or specific. We know of no areas where we are proposing "inadequate facilities". If the word is hypothetical, it should so state.
11. II. Summary of Findings, Page 20, Mitigation, lines 17-22.  
We disagree that over sizing and gradient changes can make a significant improvement in erosive velocities. However, in combination with multiple discharge, weir overflow, retention and other techniques, concentrations of runoff can be minimized. We will work out the above to the satisfaction of the City Engineer.
12. II. Summary of Findings, Mitigation, Page 21, line 10-17.  
Comment only. The project sponsor would be more than willing to make a fair share contribution to any drainage improvements contemplated. 100 year storm frequency design is not warranted for a project of this size based on Oakland standards or standards established by the ASCE.
13. II. Summary of Findings, Page 22, line 16.  
Only 50 percent of the eucalyptus are proposed to be eliminated. (See item #3, above).
14. II. Summary of Findings, Page 22, line 18.  
We feel that "2.4 acres or 58%" is an inaccurate description of what will be actively developed. If we count roofs, driveways, streets and other hard surfaces only, the percentage is much smaller.
15. II. Summary of Findings, Mitigation, Page 23, lines 10-12.  
This suggested mitigation measure of fewer units, is predicated on the 70 percent tree removal. That number is wrong.
16. II. Summary of Findings, Page 23, line 20.  
Any tree removal in undeveloped areas would leave the tree stumps intact, holding on to the soil for 15-20 years, until the new plantings take hold.
17. II. Summary of Findings, Mitigation, Page 24, lines 6-8.  
"Filling of the woodland ravine" is not necessary for this project. The simplest mitigation is to not fill at all.
18. II. Summary of Findings, Mitigation, Page 24, lines 19-22.  
Same comment as item number 17, above.

Response to Draft EIR, September 25, 1989, Page 3.

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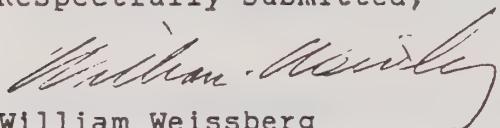
19. II. Summary of Findings, Page 28, Mitigation, line 18-28. Figures are mislabeled. Should be 26, 25, and 24, respectively. The seven unit plan shown on Figure 26, is absolutely not feasible. It is not possible to bring the cul-de-sac to the location shown through such a short path. Retaining walls would be well over 20 feet high, and the houses inaccessible.

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In summary, the most important of the above nineteen points is the "ravine fill" issue, tree removal and driveway locations. The fill issue is a non-event since it can be eliminated. Tree removal and driveway location(s) can be mitigated accordingly.

If you have any questions, please don't hesitate to call me.

Respectfully submitted,

  
William Weissberg

3. William Weissberg, Montclair Investments, Inc. (Project Sponsor); September 25, 1989

- 3.1 The EIR has been revised to clarify project driveway locations in response to this and similar comments (see errata in section IV of this attachment).
- 3.2 The EIR discussion of lot frontage and building setback has been clarified in response to this and other associated comments (see errata in section IV of this attachment).
- 3.3 Project-related tree removal computations are explained on DEIR pages 53 and 171. The Lead Agency stands by the computations in the DEIR. A more precise tree evaluation would be required from the project sponsor during the city's review of the subdivision Tentative Map application, subsequent to certification of the EIR.
- 3.4 The term "semi-rural" is correctly used in the EIR in describing the existing character of the project vicinity. Use of a term other than "semi-rural" is a matter of semantics and is not relevant to the adequacy of the EIR. The point that "balanced" cut-and-fill may not be necessary is clearly conveyed on pages 13 - 16 and especially, page 130 of the Draft EIR.
- 3.5. As clearly shown on DEIR Figure, 21, the project grading plan includes additional "proposed fill" in the ravine area, in addition to the "existing fill." The project sponsor's willingness to revise this plan and haul off the excavation yardage is noted by the city.
- 3.6 The EIR adequately and correctly computes project traffic generation. The traffic increases shown in Table 3 on page 103 of the DEIR assume a net increase of nine units for the site, and a net peak period increase of 8 trips at Gwin Road near Broadway Terrace, based on the fact that 8 of these 9 total net additional units would be served by Gwin Road.
- 3.7 The writer was referring to lot 2. The word "south" was incorrect, and as been changed to "near." The comment regarding the flexibility in lot 2 driveway location is noted.

3.8 The EIR point is that the project grading plan (DEIR Figure 21, on page 129) shows introduced fill beneath the first segment of the new road. The wording here describes what is conveyed by the applicant's engineer on Figure 21. In response to this comment, the words "balanced," "to accommodate the private street," and "to accommodate home construction" have been removed from the paragraph. (See corresponding errata in section IV herein.)

3.9 See DEIR pages 50 and 128, and Figure 21 on page 129, for a more detailed explanation of this DEIR finding. According to the grading plan shown on Figure 21 (prepared by the applicant's engineer), a portion of the cut slope north of the private street cul-de-sac would have a slope gradient of 1.46:1.

3.10 Comment acknowledged. Revised language has been included in the DEIR errata (see corresponding errata page in section IV herein).

3.11 This DEIR recommendation was made by the EIR engineering geologist. The point of disagreement with the project applicant is noted. As stated in Appendix E on DEIR page 243, "disagreement among experts does not make an EIR inadequate."

3.12 The comment does not refer to EIR adequacy; no response is necessary.

3.13 See response to similar Comment 3.3.

3.14 Active development involves not only hard surfaces (roofs, driveways, streets, etc.), but also those portions of the site adjoining these hard surfaces which would not regain a natural, pre-development vegetative state. In this light, the EIR discussion of acreage to be "actively developed" is adequate and correct.

3.15 This particular mitigation suggestion remains valid regardless of whether 50 or 70 percent of the woodland must be removed.

3.16 The mitigation measure here is not inconsistent with this comment.

3.17 See response to similar Comment 3.5.

3.18 See response to similar Comment 3.5.

- 3.19 The EIR figure references have been revised in response to this comment (see errata in section IV of this attachment). The comment regarding the engineering difficulties presented by the roadway alignment shown on Figure 26 is acknowledged. A revised schematic for this alternative has been included in the DEIR errata (see the revised Alternatives chapter in section IV herein).
- 3.20 Comment acknowledged. The ravine fill, tree removal, and driveway location issues have been addressed in response to Comments 3.5, 3.3, and 3.1, respectively.

TO: OAKLAND PLANNING COMMISSION

FROM: C. S. + Georgia Huber (NAME(S))

1603 Broadway Terrace, Oakland, Ca (ADDRESS)

RE: PROPOSED GWIN ESTATES PROJECT  
CITY FILE # ER 87-63  
CITY REF. # PUD 89-270  
SCH. # 89030704

94-611

I (WE) URGE THE COMMISSION TO MODIFY THE PROJECT PLAN ACCORDING TO THE PROPOSED (CIRCLE ONE):  7 8 9 -UNIT ALTERNATIVE RECOMMENDED BY THE EIR.

OTHER COMMENTS:

1

SIGNED AND DATED: X 1/14-11

X. Visagie / Kuhne 9/27/89

4. C. S. and Georgia Huber; September 27, 1989

4.1 The comment does not refer to EIR adequacy; no response is necessary.

September 29, 1989  
 6333 Fairlane Drive  
 Lot 9 Tract 2379  
 Oakland, CA 94611

5

City Planning Commission  
 One City Hall Plaza  
 Oakland, CA 94612

Reference: Montclair Investment, Inc.,  
 file No. ER 87-63  
 Ref. No. PUD 89-270

Enclosures: Our letter dated March 16, 1988 to  
 City Planning Commission

Our letter dated September 28, 1988 to  
 Wagstaff and Associates

Our primary concern about the Gwin Road development, as expressed in the enclosed letters, is the danger of fire that can get out of control because fire equipment will not have adequate access, either on Gwin Road or Gwin Court.

In the May 29, 1989 edition of The Tribune Battalion Chief James Riley who is hill area coordinator for the Oakland Fire Department states " It's always critical up there. The houses in that type of wooded area, steep slopes, once a fire gets a foothold in it, you're talking about a major loss".

Referring to the Draft EIR, pages 7 and 8 do not refer to fire or equipment access, page 12 deals with hydrants and water flow but not access, the mitigation proposed on page 15 is not adequate if cars are parked on both sides of Gwin Court, city Fire Protection Policies discussed on pages 76 and 84 do not address the issue of access for equipment, and on page 100 blockage of access for emergency vehicles refers to Gwin Road and Broadway Terrace but does not mention Gwin Court where the greatest hazard would exist.

The seven unit plan shown on page 209 minimizes our concerns about fire since it substantially redesigns Gwin Court. We would urge the Planning Commission to withhold its approval of the ten unit plan and approve a plan that includes not more than seven units.

Very truly yours,

Walter K. Palmer  
 Walter K. Palmer  
 Maxine S. Palmer  
 Maxine S. Palmer

Copy: Marge Gibson Haskell

March 16, 1988

6333 Fairlane Drive  
Lot 9 Tract 2379  
Oakland, CA 94611

City Planning Commission  
City Hall  
Oakland, CA 94612

Reference: Case No. ER 87-63, Tract 5843

We are challenging and commenting on the Negative Declaration dated March 7, 1988. Our property is contiguous to and below the proposed development and we are concerned about damage to our property resulting from water, mud, earth slippage or fire caused by failure to consider the risk to us in the design and construction of the development.

The following refer to findings in the Initial Study:

III 1. No is incorrect. Trees will be removed. The site will be graded for home sites, sewer lines will be installed and surface drainage will be altered, all of which may result in unstable earth conditions.

III 2. The retaining wall must be constructed and the back fill must be compacted to avoid failure in our wettest years. Failure could result in mudslide damage to homes on Fairlane Drive. Mud slide damage from adjoining property is not insurable.

III 10. No is incorrect. Many trees will be removed. Several acres of natural habitat will be converted to home sites. The answer should be determined by an E.I.R.

III 11. No is incorrect unless supported by an E. I. R.

III 15. The development is certainly substantial to the Gwin Road-Broadway Terrace neighborhood. Adding 20 plus persons and automobiles increases the density.

III 16. No is incorrect. Gwin is not now a fifty foot roadway. Eight of the ten homes would use Gwin Road which would result in substantial increases in parking and vehicular traffic. One social event at one home would add additional vehicles since the private road could accommodate little or no parking. Almost all visitor parking would have to be on Gwin Road or Broadway Terrace.

Continued on page 2.

March 16, 1988

Page 2.

City planning Commision

III 20. No is incorrect. Five homes would depend on fire truck access on the private road. This inadaquate access and the surrounding combustable brush, trees and ground cover could result in an "out of control" fire. An out of control fire could spread to inacessable areas below the development threatening Broadway Terrace and Fairlane Drive homes; i.e. (1) the fire above Tunnel Road in the fall of 1970, (2) the brush fire in the ravine between Braodway Terrace and Fairlane Drive in 1970. It began at the lower levels and spread almost to Gwin Road, (3) the fire several years ago under the transmission lines between Fairlane Drive and Highway 24.

IV d. The answer should be maybe. We can be substantially and adversely affected through loss of or damage to our property for the reasons commented on above. Fire is our greatest concern since it has been so close to us on several occasions since we have lived in our home on Fairlane Drive.

Very truly yours

Walter K. Palmer

Maxine S. Palmer

Copy: Marge Gibson Haskell

Sept. 28, 1988  
6333 Fairlane Dr.  
Oakland, CA. 94611

WAGSTAFF AND ASSOCIATES

Dear Mr. Wagstaff:

We agree with the areas of concern identified in the document EIR Gwin Court which was discussed at the meeting of Sept. 14, 1988. The rear of our property terminates in the ravine and is adjacent to the proposed Lot 8. Our primary concern is fire. Five homes would depend on fire truck access on the private road. This inadequate access and the surrounding combustable brush, trees and ground cover could result in an out of control fire. An out of control fire could spread to inaccessible areas below the development threatening Broadway Terrace and Fairlane Drive homes: i. e. (1) the fire above Tunnel Road in the fall of 1970, (2) the brush fire in the ravine between Broadway Terrace and Fairlane Drive in 1970. It began at the lower levels of the ravine and spread almost to Gwin Road, (3) the fire several years ago under the transmission lines between Fairlane Drive and Highway 24. We trust that your EIR will cover these very serious concerns for the safety of our property.

Sincerely

Walter K. Palmer  
Maxine S. Palmer

cc: Willie Yee  
Oakland City Planning Department

5. Walter and Maxine Palmer; September 29, 1989

5.1 The DEIR, including lines 5 through 11 on page 84, lines 11 through 20 on page 106, and lines 3 through 20 on page 112, adequately addresses the provision of emergency access to project units, including those issues described in this comment. Moreover, the project design would be subject to review by the city's Fire Department during the subdivision application process, subsequent to EIR certification.



# FOREST PARK NEIGHBORHOOD ASSOCIATION

**6534 Gwin Road, Oakland, CA 94611**

6

Oakland City Planning Commission

3rd floor, City Hall  
1 City Hall Plaza  
Oakland, CA 94612

Co-Chair Persons  
Vivienne Verdon-Roe  
531-9201

David Hoge  
655-4284

September 30, 1989

Vice-Chair Person  
Richard LaGates  
655-0920

Secretary  
Karin Schlachter  
655-2096

Treasurer  
Beth Jahn Hoge  
655-4284

We, the members of Forest Park Neighborhood Association, are responding to the Draft EIR for the proposed Gwin Estates Project, and the Application for a preliminary Planned Unit Development.

We wish to make it clear that we are not against development. We formed our Association to work with the City and developers to create appropriate housing in our area, while conserving the natural resources of the Oakland Hills.

## COMMENTS ON DRAFT EIR: ER 87-63 and P.U.D. 89-270

### LAND USE AND VISUAL FACTORS

The site for the Gwin Estates project is one of the last green pockets in the Forest Park area of Monclair. The Draft EIR states, page 62, "the upper portions of the site near Gwin Road and Broadway Terrace are distinguished by a dense canopy of trees, comprised primarily of eucalyptus trees." The EIR states elsewhere there are also 5 Monterey pines and some native oaks. "This on-site woodland contributes significantly to the overall wooded setting of the upper Broadway Terrace area and to the local area's semi-rural identity." The woodland area of the site provides "A visually distinct, open space, natural identity element for the local neighborhood." (page 66)

The 10 unit development and road construction as planned would involve removal of all the upper, roadside portion of the site's eucalyptus woodland. An estimated 163 mature trees would be removed. This is 71% of the trees on the site. The EIR states on page 66, this would result in "a significant, highly noticeable change in the character of the immediate Gwin Road/Broadway Terrace area." The EIR states in its summary, page 10, the project would result in "a significant adverse impact on the semi-rural character of the immediate Broadway Terrace/Gwin Road neighborhood."

In the EIR's Summary, page 12, we read "the project site eucalyptus grove is highly valued locally for its forest qualities which, in combination with the hilly nature of the area, provide the Gwin Road area with a truly rural image and sense of remoteness from the city below". "The alternating combination of forest canopy, sunny clearings, resin scents and open panoramic Bay views, is highly valued by

local travellers along Broadway Terrace (drivers, bikers, joggers and walkers)." EIR, pages 163-164.

In the EIR's summary, page 12, we also read that "Project tree removal and cut-and-fill aspects, and the placement of project homes and road on the visually sensitive upper portions of the site may be inconsistent with the Oakland Comprehensive Plan (OCP) hillside development objectives to protect and preserve hill areas in their natural state and to reserve "the most appropriate portions as permanent open space." OCP emphasizes that while conservation factors need to be considered throughout Oakland, "there are certain areas which are critical. These include the hills." It seems clear to us that removing all or most of the trees on the "visually sensitive upper portions of the site" is inconsistent with OCP. (particularly Sections 55637 and 53298)

Because eucalyptus is a fire-hazard, The Forest Park Neighborhood Association proposes that our organization take responsibility for reforesting the area with redwoods and other suitable species over a set period of time. Our Association would like to implement this gradual transformation in support of any project that is we feel is in keeping with CEQA and OCP.

**The project as proposed is clearly inconsistent with the requirements of the CEQA and the OCP, as our lawyer, Michael Freund of Berkeley, has indicated in his letter to the Commission.**

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In order for the EIR mitigations to be significant, they should result in preserving the environmentally beautiful, semi-rural character of the Forest Park area. We believe this is only possible by **avoiding the cluster configuration** of the proposed development. It is this cluster configuration with proposed private common driveway that is causing the significant adverse environmental impacts.

The EIR correctly pointed out that **reducing the number of houses** would mitigate the adverse environmental impact of the proposed project. (Summary, page 10) But only reducing to 9, 8 or 7 units does not mitigate against the adverse environmental impacts. All these options still result in **destroying all or most of the upper forest area**. These trees are the **major contribution** to the neighborhood's semi-rural character. This is the area that is most visible. Most of the remaining trees cannot be seen from Broadway Terrace. So, with the Alternatives offered, the adverse effects remain "significant". The Supreme Court defined "significant effect" as "significantly affecting the quality of the human environment."

In talking with Mr. Wiseberg, the developer of this project and Mr. Ivan Vegvary, the engineer, they acknowledged that this project as they have planned it would significantly reduce the quality of the lives of the neighborhood. In fact, Mr. Wiseberg told me that if he lived on Gwin Road, he would object to this development.

To adequately mitigate the adverse effects, the project **must** avoid the cluster configuration around the private road. The cluster configuration and road result in a deforested site. Mitigation measures are *inadequate*.

In addition, the design of 10 houses by the same architect with the same building materials does **NOT** harmonize with the surrounding area. The planned houses on the Gwin Estates project are very large for the area, very close to the road, and very close to each other relative to houses on Gwin Road. The alternative of 4 houses with private driveways and no common road would be the maximum construction that preserves the basic quality of the area. Until the project is reduced to 4 units or less, the basic significant adverse impact of destroying the semi-rural character of the area is not adequately mitigated.

We would like to draw your attention to CEQA, (Public Resources Code 21000 et seq.) CEQA Guidelines provide that "A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen the significant effects that the project would have on the environment." Section 15021(a)

CEQA requires the discussion of reasonable Alternatives. The Draft EIR fails to present a reasonable range of Alternatives, and is therefore deficient until an Alternative of 4 houses with no new road is described. This Alternative would decrease the amount of woodland destruction, and the setting of the houses, would be in keeping with the character of Gwin Road. It would allow appropriate development, although the upper Broadway Terrace vicinity would lose its largest undeveloped forest area. The Alternative of 4 houses would significantly increase this project's consistency with CEQA and OCP hillside and resource protection policies. "As much as feasible, wooded tracts of open land should be preserved, with only careful inroads for development allowed." (Policy Plan, 53298)

The 4-house Alternative would be more in keeping with Policy Plan, 55637, which specifically focuses on the Forest Park area. "In all development and construction in the Hills (those areas located generally along and northeast of Mt. Blvd) special effort should be made to conserve open space and natural resources. Every development which occurs here on a site of substantial size should **reserve** the most appropriate portions as permanent open space, and these should generally add up to a significant proportion of the site."

The 4-house alternative is economically feasible, as one of our Neighborhood Association members, Joanne Fraser, who has a Masters in Urban Policy and an MBA, explains in her letter.

The EIR points out an absolutely critical issue under the heading of Potential Precedent-Setting Effects. "The proposed Gwin Estates project would be constructed on the only remaining sizable, vacant, residential-designated property in the upper Broadway Terrace vicinity, and would result in the buildup of a substantial portion

of the small remaining inventory of available, developable, residential-designated vacant land in the north Oakland hills....Subdivision and construction of ten homes on the 4.08 acre site could be expected to increase interest in similar development of smaller undeveloped parcels in the north Oakland hills. (EIR, page 69-70)

Allowing a cluster development would fly in the face of the spirit of the OCP.

## VEGETATION AND WILDLIFE

A forest or woodland is an ecosystem. Vegetation and wildlife live in a harmonious balance. "Although cut-and-fill slopes would be revegetated, the existing woodland and grassland vegetation habitats on upper portions of the site would be radically altered." (summary, page 24) Under mitigations for this adverse environmental impact, the EIR says, "None required", and goes on to say it does recommend modification of project grading plans. This is too vague. The extensive grading of the proposed project is only cut back substantially by eliminating the private road, an Alternative the EIR fails to describe. The EIR does warn that "if substantial re-establishment of mature tree vegetation in the upper developed areas of the project does not occur as planned, particularly along the roadway frontages, the project could have a more significant long-term impact on the visual character of the neighborhood." (page 66-67)

As the EIR points out, the site is valued to wildlife as a "foraging and temporary shelter area" for mainly smaller species. Mammal species typically found in such habitats include the brush rabbit, gopher, house mouse, and raccoon. Occasionally, larger mammals such as the mule deer are found. Birds include the brown towhee, scrub jay, song sparrow, wrentit and hummingbird. (page 168) The EIR notes that it is possible that portions of the southeast ravine could support sensitive plant species and these areas may be potentially affected by soil erosion or altered runoff volumes from the site. (page 174)

The EIR warns that the project would "substantially reduce the available undeveloped acreage in the immediate vicinity" for wildlife, resulting in "an unavoidable loss of habitat for most of the wildlife species that currently frequent the site." (page 175) It concludes that this loss "would contribute to a significant cumulative loss of open space acreage in the Bay Area region, and an associated cumulative reduction in the range of Bay region wildlife species."

The EIR mentions that "along with other urban development projects in the Bay Area, the habitat loss associated with the Gwin Estates project would contribute to the cumulative loss of natural open space acreage in the region. This cumulative regional loss can be considered a significant biological impact." (page 170)

Yet, the EIR's summary on vegetation and wildlife states, "The Project would result in loss of habitat for most wildlife species that currently frequent the site. The EIR biologist describes these wildlife impacts as minor." (page 24). This is a

contradiction, and we disagree. Both the local loss and cumulative loss are significant.

It should be noted that deforesting the site and then planting trees will still destroy the ecosystem of the woodland. Also, the EIR points out it will be 10 - 20 years before landscaping will mature. (summary, page 23). In addition, there is no guarantee that the landscaping plans can be implemented.

There is no description in the EIR of other developments in the area, and the cumulative impact of this proposed project with others . For example, one street away, on Pinehaven, three spec. houses have been built, close to each other, which have resulted in traffic problems. There is a failure in the EIR to discuss the cumulative impacts, considering open space, traffic, water supply, etc. The cumulative impacts of other developments in the Oakland hills should be included for consideration in the final EIR.

## GEOTECHNICAL

Grading for the proposed 265-foot long private street would involve approximately 1,100 cubic yards of balanced excavation, cut depths up to 5 and 7 feet, fill depths up to 5 feet, and one cut slope of approximately 20 feet in vertical height.

The EIR notes that slopes of 15% are considered to have higher development constraints. Slope steepness in excess of 30% can present significant access problems along with even greater potentials for erosion and soil instability problems. (page 116) 3/5 of the site has slopes in excess of 30%. 2/5 of the site has slopes greater than 50%

Most of the project site is in a hillside area classified by the USGS as "generally stable" to "marginally stable". Part of the southern portion of the site is classified as "unstable". The EIR cautions that "if severely weathered bedrock or highly sheared bedrock is exposed, the project cut slopes may not perform satisfactorily, even with 2:1 sections." (Summary, page 18) The proposed project has cut slopes as steep as 1.46:1 (69%).

The 1987 Baldwin-Wright report says rock fragments from the site indicate "the onsite presence of severely weathered bedrock." Baldwin-Wright did not encounter solid bedrock in any borehole. (EIR, page 119) So the bedrock has not been adequately investigated. Nor did they determine the depth of the artificial fill on the site. The report does indicate that "the fill is poorly consolidated and subject to creep movement." (EIR, page 119).

Without further investigating, the EIR already points out that "the upper portion of the private street could require pavement repair in the first few years after project construction due to initial fill settlement.

There is evidence of "slope failure" southeast of the site (EIR, page 125). Also, from Figure 20, there is evidence of a large landslide area southwest of the site, which has not been field-checked. Three landslides have been reported in the immediate vicinity of the site over the past 40 years. The EIR cautions, "the indications are that special geotechnical precautions are warranted prior to development of these areas." (page 123)

Again, the EIR warns "Because offsite downslopes along the ravine are generally classified as "unstable", project-related runoff increases within the ravine channel could adversely affect properties located further downslope." (page 135)

Grading for the private street will "involve substantial cuts into the existing hillside." The 1987 Baldwin-Wright report recommended that cut-slopes on the site not exceed 2:1, horizontal-to-vertical. As a portion of the cut slope north of the private street cul-de-sac would have a slope gradient of 1.46:1 (69%), the EIR correctly points out, "This part of the cut slope would be inconsistent with the recommendations of the applicant's geotechnical study." (page 128)

"A portion of the proposed sewer main alignment would require excavations of over 20 feet in depth, which would be undesirable", resulting in inadequate accessibility for inspection, maintenance and repair. The Office of Public Works considers the proposed sewer layout to be unacceptable. (page 131)

"Inadequate site drainage during intense rainfall could induce erosion and movement of graded slopes and significant damage to the project if not properly engineered in the final grading plan. The cut-and-fill plan together with inadequately maintained drainage could "reduce long-term stability". (Summary, page 19) Also, inadequate maintenance of site surface and subsurface drainage improvements could "reduce the long-term stability of graded and natural slopes." (page 135)

Clearly, as the EIR suggests, further soils and landslide investigations need to be made. The bedrock should be examined and the fill depth determined. The EIR suggests a soil stability analysis before the city issuance of a grading permit (page 138). Until a comprehensive geotechnical study is completed it is difficult to comment on the adequacy of the suggested mitigation measures outlined in the EIR, pages 136 - 142. Clearly, these mitigations are the very least that will need to be required.

The EIR suggests mitigations include "reducing the degree of tree removal, ravine fill, and overall grading by elimination or reduction of development" to 9, 8 or 7 units. (Summary, page 12). In our opinion, this is not sufficient to mitigate the adverse geotechnical impacts. As the EIR notes, page 211, even with the 7-unit plan, three units are atop slopes greater than 30%. And the extensive grading for the

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private street would still be necessary under this Alternative. The Alternative of 4 houses would substantially lessen grading and tree removal.

As CEQA guidelines indicate, the mitigations must operate in a way to alter the significant geotechnical impacts of the project.

In order to enforce the landslide mitigation methods finally decided upon, we require the developer to take out a bond, in accordance with Section 21081.6 of the Public Resources Code.

### DRAINAGE

"The eucalyptus forest removal could increase the potential for onsite soil stability and erosion hazards." (EIR, Summary, page 23)

In addition, the EIR warns, "inadequate site drainage during intense rainfall could induce erosion and movement of graded slopes and significant damage to the project if not properly engineered in the final grading plan. High groundwater levels could destabilize both cut-and-fill and natural slopes. Inadequately maintained project drainage improvements could cease to function properly and reduce long-term slope stability."

**Erosion of soil, drainage problems, slope instability and landslide potential are issues of particular concern to residents of the Ruthland Road/Swainland Road intersection.**

The EIR underestimates the amount of damage already experienced in this area. We read on page 55, "The immediate Ruthland Road/Swainland Road vicinity does not have a recorded history of serious flooding problems." Several members of the Forest Park Neighborhood Association have had **first-hand experience of serious damage** as the result of mudslides and landslides. One resident of Ruthland reports that a large section of a swimming pool crashed down the hill onto her garage, destroying it. Another reports being knee-deep in mud in her driveway, as the result of a mud-slide. Another reports continual basement flooding. Mud and sediment on the streets after heavy rainfall are reported to be a common occurrence.

It should be kept in mind that the southern part of the site is already classified as "unstable", and the proposed project would increase storm water flows into the lower ravine areas by about 3%, according to the EIR, summary, page 20. The EIR goes on to warn that "the change in flow velocity could **increase erosion potentials** in the ravine below the project, resulting in visual and other impacts (accumulation of sediment on lots and streets, etc.)." Since the EIR does not adequately describe the damage already suffered in the Ruthland/Swainland area, it is not clear if mitigation measures, such as installing an oversize pipe, would be adequate.

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The EIR says that the applicant has indicated that additional drainage measures would be included in the final project design, including back-drains and subdrains. They would definitely be required.

On page 21 of the EIR, we read, "The potential currently exists for localized flooding in the Ruthland/Swainland vicinity during future periods of unusually heavy rainfall due to clogged catch basins." This is not just a "potential". This has already occurred on several occasions, making it even more important that any project drainage system "should be designed to operate without failing under severe storms, such as the 100-year event, as well as during a 10-year storm event." (summary, page 21)

To mitigate the "increased flooding potentials" (summary, page 21), the EIR suggests that the applicant "contribute to any downstream drainage system improvements determined necessary to correct existing or anticipated cumulative flooding problems in the drainage area into which the project flow would occur." This should be enforced, along with a bond sufficient to meet any expense to the downslope neighborhood that might occur in a flood as a result of the construction on this site.

The EIR points out that "there would be a strong likelihood of significant short-term impacts on water-quality during the project construction period." (page 156) The pollutant impacts would be felt over a much longer period of time than stated in the EIR, since the proposed development would take 3-4 years according to the developer, and could last longer than 5 years, according to Ms. Wheller, an architect who is writing to you about construction procedure. The EIR mistakenly refers to a construction time of one year, and warns that in that time, the impacts "could adversely effect the city's storm drainage system." (summary, page 22) The mitigation called for by the EIR is "a construction period erosion control plan." Without knowing more details of that plan, it is hard to ascertain whether it is adequate or not. It would seem to us that a much reduced development with less grading would be called for, such as the Alternative of 4 houses, with no private road.

We request a maximum construction time-line be the one-year stated in the EIR, and that a construction period erosion control plan be prepared and implemented by the applicant, as the EIR suggests. (summary, page 22)

The EIR warns that soil erosion during construction "could result in significant adverse effects on the city storm drainage system, such as siltation of catch basin inlets as well as accumulation of sedimentation on adjacent lots and streets. In addition, there could be potential effects on Temescal Creek and Lake Temescal."

We do not find any mitigation measures suggested for this problem described in the EIR. The final EIR should address this issue.

## PRELIMINARY P.U.D. APPLICATION

The proposed private street and certain lot frontage and set back aspects are inconsistent with normal R-30 zoning. The applicant has applied for a P.U.D. permit to supercede the regular zoning for the area.

A member of our Association, Richard LeGates, a Professor of Urban Studies at San Francisco State University, makes it clear in his letter that the proposed P.U.D is inappropriate. 6 of the proposed houses would have to be built on slopes with grades greater than 30%, and 3 on slopes greater than 50%.

California law requires that the EIR for a proposed PUD include a discussion of the feasibility of developing the site under the normal zoning, particularly where, as is the case here, PUD development (with private street) would clearly have much more detrimental environmental impacts than development consistent with the regular zoning (without private street). Any decision on the preliminary PUD made in the absence of this information would be legally deficient.

In addition, a comprehensive soils study has to be conducted before geotechnical mitigations can be included as part of the conditions of approval for the PUD. So it is premature to ask for a PUD at this time.

Nor should attention be shifted to mitigation measures. It should focus on the real issue: should PUD be approved at all?

Under PUD Regulations 9407, a PUD permit may be granted ONLY if it is found that the development "will be well integrated into its setting, will not require excessive earth moving or destroying desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas."

**The proposed project fails in ALL the above requirements.**

Development of 4 houses without the PUD would reduce the extensive and damaging grading and new street construction proposed; it would avoid complex engineering on an unstable watercourse area; and it would preserve most of the trees and the area's semi-rural character.

Under CEQA, agencies are not to approve projects as proposed "if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects" of projects. Significant environmental effects are to be mitigated below a level of significance. (Public Resources Code, Sections 21002 and 21002.1)

We respectfully remind the Commission that because of the Draft EIR's findings, PUD Regulation 9407, and CEQA, Sections 21002 and 21002.1, the Commission is legally bound to deny the PUD request.

## CONSTRUCTION PROCEDURE AND NOISE

The Draft EIR notes that construction will have "significant visual and construction-period noise implications for residents of nearby Gwin Road and Broadway Terrace homes...There would also be construction-period noise impacts on downslope residences." (page 68).

The EIR states on page 194 that "the project applicants have proposed the construction of all 10-dwelling units within one year." This is an error.

When we met with Mr. Wiseberg, the developer, September 24th 1989, he informed us the construction of the proposed project would take between 3 and 4 years. He plans to proceed with the development of a few houses at a time, with tree removal and initial development of the infrastructure at the outset. Obviously, if sales were slow, the project could take even longer to build. According to one of our neighbors, Jeanne Wheller, an architect, there is reason to believe that the demand for \$550 + houses in Oakland is falling.

The development schedule opens the way for an extended and unreasonable period of construction noise, disruptions and hazards to the neighborhood. Many of us work at home. We cannot state strongly enough how disruptive we feel a protracted development schedule will be on the neighborhood. In addition, after destroying our valued woodland area, there is no guarantee that the developer would indeed complete the project.

We ask that whatever construction is approved, that there is a one year maximum construction time-line. We also ask that the Noise Disturbance Plan (in Construction Period Mitigations, page 198), is made enforceable.

We also request that any development that is approved require a cash bond or surety bond for the completion of all or specific parts of the development, in the sum of 100% of the estimated cost of the work.

## TRAFFIC

Increases in traffic and potential accidents are correctly referred to in the Draft EIR, summary, page 14. "In particular, the additional traffic would contribute to existing concerns regarding the adequacy and safety of the westbound right-turn segment at the Broadway Terrace/Gwin Road intersection" Other safety concerns are increased, including limited sight distances, parking problems, and hazards for pedestrians and bicyclists.

The mitigation of prohibiting onstreet parking on both sides of Gwin Road and Broadway Terrace within 40 feet of the Gwin Road, Broadway Terrace intersections

sounds good, but where would overflow parking from a party, for instance, go? We already have a parking problem on Gwin Road. We are already concerned that an emergency vehicle might not be able to get down to the end of the road in a situation where there are gatherings.

The EIR's mitigations of widening Broadway Terrace to 28 feet and Gwin Road to 24 feet along the project frontage are important measures, and would have to be enacted. While perhaps this and other mitigations suggested would help, the fact is that none of the streets in the vicinity have continuous shoulder areas and sidewalks. This is the norm in the Oakland hills. The roads around this project are not built to sustain developments such as the one proposed. Again, we see evidence that this development is not in keeping with the surrounding neighborhood.

As the EIR rightly notes even, a medium-sized gathering at any of the proposed 10 project units could result in obstruction of emergency vehicle access. We do not believe the mitigations suggested would be adequate.

#### AIR QUALITY

There is no description of air quality in the EIR. This should be included in the Final EIR.

Members of the Forest Park Neighborhood Association feel privileged to live in such a beautiful part of Oakland. Our concern is to make sure that development in our area is compatible with conservation laws and policy in CEQA and the OCP.

Our Association supports any reasonable proposal for development of the site of the proposed Gwin Estates project under the normal R-30 zoning. We wish to work with the Developer to create quality housing that meets his needs, that serves the City of Oakland and that respects the character of the Forest Park neighborhood.

Thank you for your attention.

Sincerely,

*Vivienne Verdon-Roe*

Vivienne Verdon-Roe, co-chair  
THE FOREST PARK NEIGHBORHOOD ASSOCIATION

6. Vivienne Verdon-Roe, Forest Park Neighborhood Association; September 30, 1989

6.1 The word "may" instead of "is" is used here because the referenced general plan policies are somewhat interpretative in the case of tree removal. See the more detailed discussion of this general plan policy consistency issue in the EIR text on DEIR pages 73 - 75. The fact that the trees of concern are primarily eucalyptus, a nuisance-prone tree, makes this policy consistency question more interpretive.

6.2 The comment is incorrect. The Freund letter does not indicate that the project is inconsistent with the requirements of CEQA. The Freund letter (#10 in this Final EIR Attachment) pertains to the adequacy of the EIR, not to the merits of the project.

6.3 The mitigation measures recommended in the EIR would be expected to reduce project impacts to insignificant levels, if fully implemented. A number of specific EIR mitigations have been described which are specifically intended to reduce project impacts on the visual, semi-rural character of the area to insignificant levels. As explained on DEIR pages 10 and 83, "elimination or reduction of development on those lots closest to Broadway Terrace (lots 1,2, and 3 on Figure 6)...would substantially reduce the degree of woodland removal,...retain existing long-distance views from vantage points along the adjacent segment of Broadway Terrace...and thereby retain much of the existing character of the ravine's woodland habitat." A "cluster configuration" represents a means to achieve this result. Some eucalyptus woodland would still have to be removed under this mitigation concept, but the most prominent woodland areas along Broadway Terrace would be retained. The result would be a cluster of homes which, when introduced landscaping matures, would be compatible with the existing "semi-rural" residential character of the area.

6.4 The private roadway provides a means of locating homes away from the most forested and most visually prominent upper, Broadway Terrace portions of the site. Nevertheless, a four-unit alternative has been added to the Alternatives chapter of the EIR in response to this comment (see revised Alternatives chapter in section IV herein).

6.5 See response to Comment 6.4.

6.6 The EIR Vegetation and Wildlife section adequately addresses the project's biotic

effects, including identification of significant impacts and recommendation of feasible mitigation measures which would reduce identified impacts to insignificant levels, if fully implemented. The impact summary language cited in this comment is taken out of context. The comment does not explain that the summary language goes on to state that "Nevertheless, the EIR biologist has determined that the tree and grassland removal on the site would not be biologically significant, due to the lack of native vegetation and relatively unsuitable character of the existing vegetative habitats for native wildlife, and since no sensitive plant has been found onsite." More detail regarding this finding is found in the text of the EIR. The EIR is adequately detailed in this regard, and is certainly not vague. In response to project contributions to significant cumulative reductions in Bay region open space habitats and associated wildlife species, the EIR includes a number of mitigation measures to reduce the degree of habitat loss, to protect remaining onsite vegetation, and to introduce compatible new vegetation.

- 6.7 The commentor is confusing the identified cumulative regional loss of natural habitat with the onsite loss of wildlife habitat. The EIR adequately and correctly addresses each of these impacts within their respective context. See response to Comment 6.6.
- 6.8 Cumulative impacts are adequately addressed throughout the EIR, e.g., see (bottom of DEIR page 68 and top of page 70, top of page 107, and top of page 170).
- 6.9 As stated in the EIR Geotechnical Factors section, more detailed post-EIR geotechnical engineering analyses, associated city engineering review phases, and related construction-period engineering measures as warranted by these analyses, are anticipated for the project. Such engineering procedures are routinely completed as part of the subsequent Tentative Map stage of the city of Oakland development review process. Also, see the discussion on this issue on pages 138 and 139 of the Draft EIR.
- 6.10 Undocumented, detailed histories of drainage problems at individual properties in the Ruthland/Swainland area are not provided in the EIR; such information is consistent with the EIR findings with respect to project-related drainage issues, and would not change the recommended mitigations in the EIR. The recommended mitigation measures would be effective, regardless of what has occurred in the past.

6.11 See response to similar Comment 1.1.

6.12 The EIR Drainage section adequately addresses the potential effects of the project on Temescal Creek and Lake Temescal (see lines 26 and 27 on page 156) and recommends feasible mitigation measures which would reduce identified impacts to insignificant levels, if fully implemented (see pages 159 - 160).

6.13 Although the legal reference is erroneous (there is no such law), the EIR does describe the implications of site development under current R-30 zoning. See DEIR pages 4 and 5, and 79 - 82. In addition, an R-30 zoning alternative has been added to the Alternatives chapter of the EIR in response to Comment 40.1 which depicts a 12-unit project under R-30 zoning (see the revised Alternatives chapter in section IV herein). Also, please see response to Comment 7.1.

6.14 See response to similar Comment 1.1.

6.15 See response to Comment 5.1.

6.16 The EIR does not include an air quality analysis because neither the proposed number of units nor the projected average daily traffic generation would approach the threshold of significance established by the Bay Area Air Quality Management District for required air quality analyses. Moreover, the amount of average daily and peak-hour traffic would not represent significant contributions to local or regional air quality emission levels.

Richard T. LeGates  
ATTORNEY AT LAW  
6501 GWIN ROAD  
OAKLAND, CALIFORNIA 94611  
(415) 547-0701

Urban Planning, Housing, and  
Community Development Law

September 30, 1989

Richard T. LeGates  
6501 Gwin Road  
Oakland, California 94611

Dear Commissioners

RE PUD 89-270

I am the owner of 6501 Gwin Road, two lots away from the site of the proposed Gwin Estates Project (PUD 89-270). I have lived at 6501 Gwin Road for eighteen years. I am a professor of Urban Studies at San Francisco State University where I teach courses related to land use, housing, and environmental assessment. I received a masters of city planning degree and a J.D. degree from U.C. Berkeley. I have taught courses in city and regional planning, land use, and housing at the Department of City and Regional Planning at U.C. Berkeley and at Stanford University as well as San Francisco State University. I am a member of the California Bar with a practice in land use and housing law and have extensive experience as a city planning consultant in housing and land use matters.

The proposed PUD Approval for Gwin Estates PUD 89-270 is essentially a request to bypass the normal and appropriate zoning in this area in order to cram 10 houses onto a site appropriate for four houses. A similar proposal died a year ago when the prior developer gave up trying to justify such a project through the EIR and PUD process. The present developer purchased the site for a price which reflected its value if developed under existing zoning. The present proposal calls for three houses to be built on land with slopes in excess of 50% which should not be built under any conditions and 3 on land with slopes in excess of 30% where city policy is to discourage development. Attention should not shift to mitigation measures and reduced PUD alternatives. It should focus on the real issue: should a PUD be approved at all?

Ordinarily developments proceed under the established subdivision and zoning for an area and with respect to the policies of the general plan. PUD approvals are entirely discretionary with the City Planning Commission and City Council. The Commission can and should deny this PUD request and ask the developer to play by the rules established for the area. There is nothing about this site which make a PUD remotely like the one suggested necessary.

It is economically feasible to build a good project under the existing zoning with only minor variances. My wife, a Berkeley MBA, is providing some economic background on the feasibility of such a development in a separate letter to the commission. In a letter with respect to the accompanying EIR I request that the Commission obtain independent analysis of the feasibility of developing the site under R-30 zoning from the EIR consultant.

There are many problems with proceeding under the PUD which would simply disappear if the site were developed under the normal zoning for the area.

Six of the houses under the PUD as proposed would have to be built on slopes of greater than 30% and 3 on slopes greater than 50%. Two of the houses proposed for development on land with slopes greater than 50% are in a runoff area with unstable soil conditions and proposed massive fill. The general plan discourages building on sites with greater than 30% slope. If developed under R-30 zoning construction on slopes greater than 30% could be mitigated or avoided altogether.

The PUD would require removal of 70% of the trees on one of the last green pockets in the Forest Park area of Montclair. Most trees could remain with a development under the R-30 zoning.

The PUD proposal would place houses which are very large for the area very close to the road and very close to each other relative to houses in the neighborhood. Development under the R-30 zoning would permit deeper or staggered setbacks and wider sideyards so that housing would be in keeping with the area.

The PUD proposal would require jamming houses onto a steep, wooded ravine adjacent to Broadway Terrace, requiring large amounts of fill or complex engineering on what appears to be an unstable watercourse area. Development under the existing zoning would require none of these changes.

The PUD proposal calls for creation of a new street and major grading, including cuts deeper than those normally permitted under general plan policies and grading on slopes steeper than ordinarily permitted. None of this extensive and damaging grading and new street construction would be required if the site were developed under the existing zoning.

Contrary to representations in the EIR that the entire PUD project would be completed in one year the developer told me that speculative development will start with a few houses and possibly be finished in as little as two years. He has told other Gwin Road neighbors a variety of other things about project timing, but never that he really plans to complete the project in one year as stated in the EIR. If the developer proceeds under regular zoning the project could be completed in one year or at least a reasonable time frame minimizing disruption during the construction period.

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If some departure from the setback, side yard and other standards of the R-30 zone which prevails in this area are necessary because of the physical characteristics of the site, good city planning practice would call for them to be handled in one of two ways: (a) minor departures from the zoning are best handled through variances, (b) more significant departures might require a PUD, but one which respects the standards of the zoning as much as the site characteristics permit.

For the reasons stated above and for additional reasons related to environmental impacts of the project which my Gwin Road neighbors will be expressing to the commission orally and in writing I strongly urge denial of this PUD application.

Attached are two exhibits.

Exhibit one shows that 2/5 of the site is unbuildable and a little more than 1/5 is marginally buildable. It shows that houses 1, 2, and 5 on the proposed PUD site plan are on unbuildable land. Houses 3, 8, and 9 are on land where construction should be discouraged.

Exhibit two is an illustrative site plan showing approximate siting of four houses under R-30 zoning. It illustrates how four houses could be built on land with less than 30% slopes, with staggered setbacks, reasonable side yards, deep backyards consistent with housing on both sides, with panoramic views, and with greatly reduced grading and elimination of trees.

I would support any reasonable proposal for development of the site under the regular zoning and believe than this sentiment is widely shared by residents of the area. As a concerned homeowner and a city planning professional I would be pleased to work with the developer (who never contacted me during development of this proposal) to get a quality development that meets his needs, serves the city of Oakland, and respects the character of Forest Park. That is not the proposal before you today.

Sincerely,



Richard T. LeGates

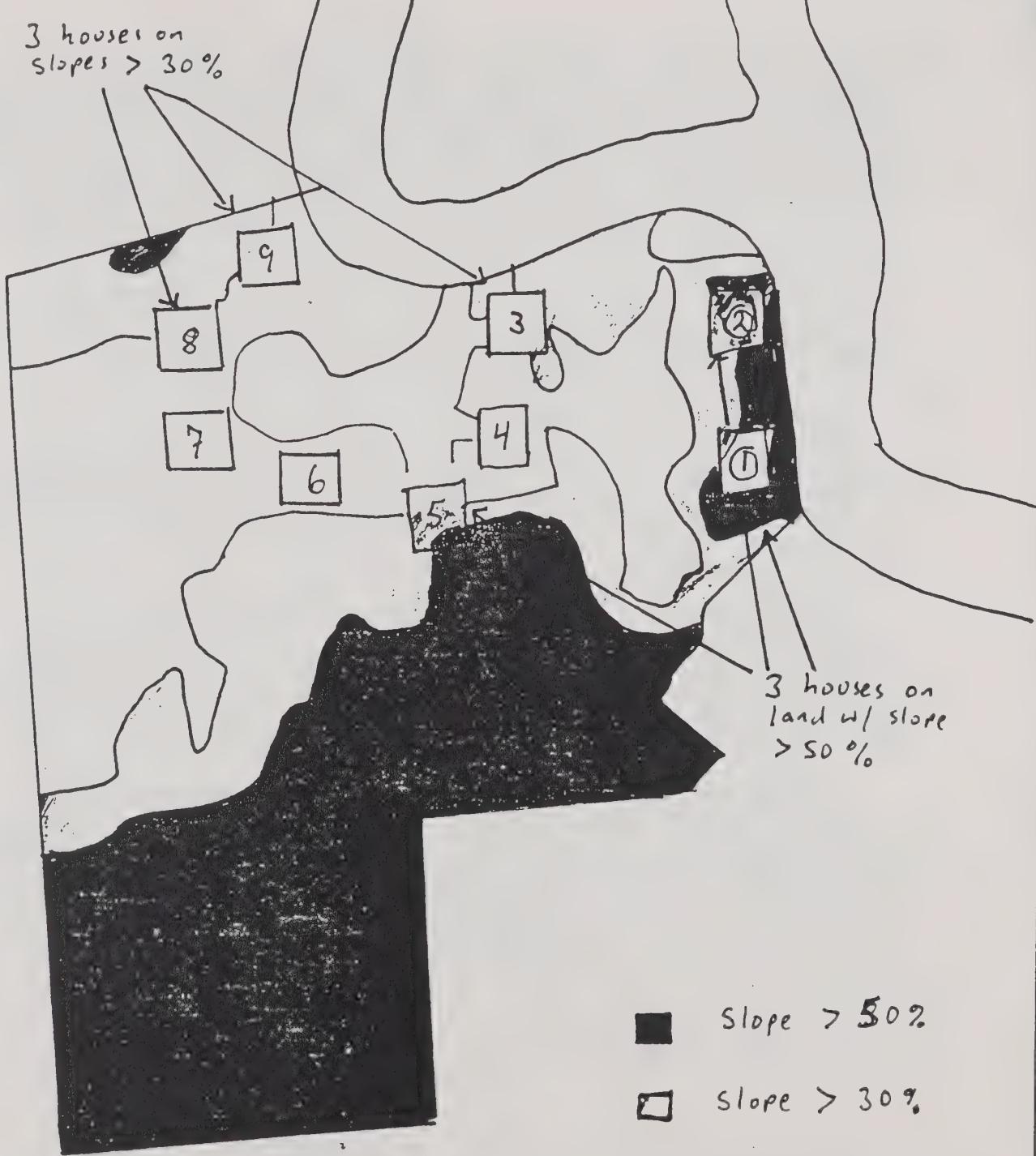


Figure 1  
PWD Proposal And Site Slopes

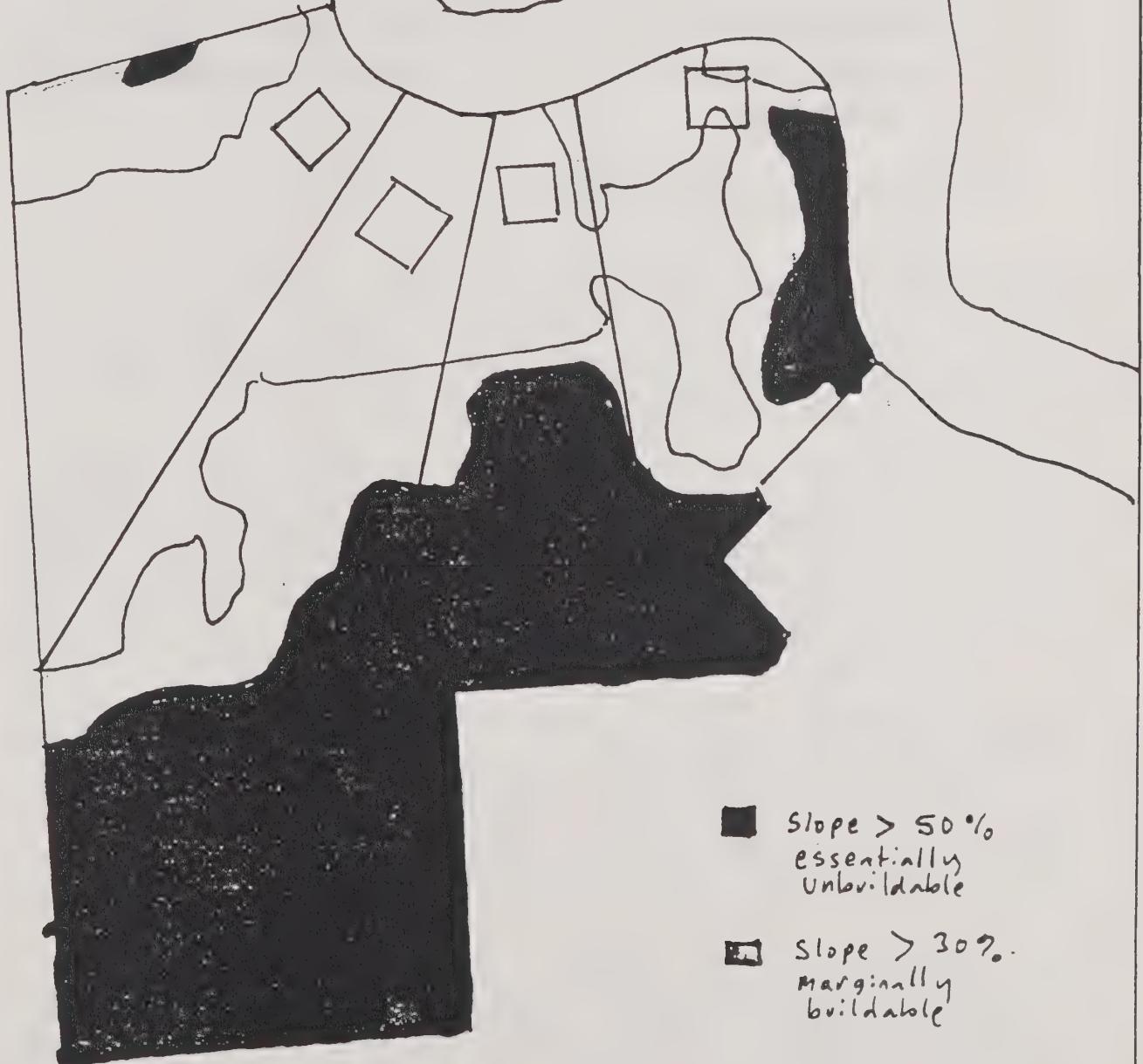


Figure 2  
Illustrative Site Plan Under  
R-30 Zoning

7. Richard LeGates; September 30, 1989

7.1 The portion of the project which would be inconsistent with R-30 zoning is limited to the proposed private access road serving six of the ten units. Other aspects of the project, including the number of units, density, lot sizes, setbacks, and home design characteristics, are consistent with R-30 zoning provisions. The previous 1987 10-unit concept subdivision plan, known as Tract 5843, was proposed as a conventional R-30 subdivision.

7.2 See response to similar Comment 1.1.

---

JOANNE FRASER, MBA

September 30, 1989

Joanne Fraser  
6501 Gwin Road  
Oakland, California 94611

Dear City Planning Commission

Re: PUD 89-270

I am the owner of 6501 Gwin Road, two lots away from the site of the proposed Gwin Estates Project (PUD 89-270). I have a Masters of Urban Policy and Administration (MUPA) degree from San Francisco State University and a MBA degree from U.C. Berkeley. I have been professionally trained in finance and urban economics and have worked in a variety of public/private planning jobs.

Development of the proposed Gwin Estates Project would be economically feasible as a four unit development under existing R-30 zoning. While profits for the developer may be marginally higher if the project is approved as a PUD rather than under normal zoning, these private profits would come at a heavy cost in high-risk development in the parts of the site with the steepest slopes and the greatest engineering complications and in degradation of the site.

The site sold for approximately \$ 500,000 in 1988. This low land cost reflects the fact that two fifths of the site is essentially unbuildable because of slopes in excess of 50% and more than another fifth is marginally developable because of slopes in excess of 30% and other physical constraints (EIR figure 5 and p 115). It appears that four houses with access from Gwin Road could be built on the site under existing R-30 zoning (See Figure 2 attached to Richard LeGates' letter).

If developed as four houses off of Gwin Road each house could have very deep back lots with steep, undeveloped and undevelopable back yards comprised on Eucalyptus forest and/or open grasslands. Houses on lots like this are common throughout the Forest Park area. All of the houses on the side of Gwin Road where the development is proposed have very deep lots, substantial setbacks, and substantial numbers of mature trees buffering them from the road.

If four units were developed, raw land costs would be \$ 125,000 per unit. These would be exceptional lots. They would average about 1 acre each and would be secluded, and wooded. All could have spectacular Bay Views. \$ 125,000 is in line with costs of a high quality one acre individual home site in this part of the Oakland Hills.

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The developer proposes to build 10 2800 to 3200 square foot homes in the proposed PUD. He has estimated 1989 sale prices would be in the \$ 400 000 to \$ 600,000 range.

If, rather than ten homes, four homes were built on the best and easiest to develop lots and with much more land per lot sale prices should easily be in the \$ 600,000+ range. This would be about a 1:5 land to asking price ratio; low land costs by standards in the area and a ratio which should assure the developer a good return on his investment.

The economics of the project change dramatically if more than four houses are proposed. The developer would have to: (a) build in an unstable area with a slope exceeding 50% adjacent to Broadway Terrace, (b) put in a cul-de-sac plus other extensive traffic, retaining wall, and drainage improvements, and (c) build three other houses on sites exceeding 30% slope. The developer has estimated that the cul-de-sac alone would cost \$ 200,000-- adding an additional marginal cost of \$ 40,000 per unit to the development cost of the additional five homes he proposes to squeeze onto that part of the site. In economic terminology the marginal cost of the hard-to-build houses will be much greater than the first four houses.

Greatly increased marginal costs of developing extra houses beyond the number appropriate for the site and reduced values of each house because they are so close to each other mean that the marginal return on investment for the additional units will be much lower than on units built under the normal zoning.

Despite these economic realities, the developer has decided that the added return for a much more costly, much denser development warrants seeking approval for the PUD he proposes. He may argue that the site is undevelopable otherwise. The Commission should not be fooled. The developer's reasonable investment-backed expectations are for a project developed under the normal R-30 zoning. He bought the site with no assurance that he could get PUD approval for anything more and at a price which reflected the value of the land as R-30 land. Representations from the developer that the project is economically infeasible under the approved zoning simply do not square with reality.

The public interest is better served by a less dense development. Some marginal increased return on the developer's land does not warrant so radical departure from normal zoning. The Planning Commission should not permit the PUD based on the spurious argument that development of the site is otherwise economically infeasible.

Sincerely,

Joanne Fraser

Joanne Fraser

8. Joanne Fraser; September 30, 1989

8.1 This letter addresses the project itself. Since, there are no comments in this letter on EIR adequacy, no further response is necessary.



September 30, 1989

Oakland City Planning Commission  
Third Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

Re: Gwin Estates Project  
Draft Environmental Impact Report  
File # ER 87-63; Ref. # PUD 89-270

Dear Commissioners:

We are very concerned about the adverse environmental impacts of the proposed Gwin Estates development. After scanning the North Oakland Hill Area Specific Plan; the Oakland Policy Plan the Oakland Comprehensive Plan, the California Environmental Quality Act, and of course the related Draft Environmental Impact Report, we are gratified that the protection of this area's many unique features including breathtaking views and lush canopies of vegetation, is of interest to many more than just the local residents, and has been protected by law.

Gwin Road is a narrow (12 ft. in some places; p. 89, DEIR), sub-standard, winding, no-through road with no turning circle. The homes are modest in size and eccentric in style. There are existing problems inherent on such a road, most of which the neighborhood has been willing to tolerate because of our pleasure with the quality of life living in this wooded, semi-rural low density, setting. There has been concern, however, among the residents of Gwin Road regarding parking and emergency vehicle access. The Draft EIR (p. 106) refers to the Fire Department's recommendation of a minimum roadway width of 20 ft. to provide adequate clearance for emergency service vehicles.

Any resident of Gwin Road can tell you that the cars generated by a large gathering, especially those driven by people unfamiliar with the area, can cause major problems for local residents. According to the developers, a few extra parking places could be added to Gwin Court, over and above the 4-car parking allotment for each homesite. It is probable, in houses as large as proposed, (3200 sq. ft.; DEIR, p. 44), that rather large gatherings of perhaps 50 people or more, could occur from time to time.

In the Draft EIR several mitigations are suggested to alleviate parking problems and accident potential at the intersection of Broadway Terrace and Gwin Road. It is quite clear to us, if these changes are implemented (DEIR p.111), including widening the entrance to Gwin Road, and posting NO PARKING signs for the first 40 ft., plus the additional loss of public on-street parking due to the construction of the entrance to Gwin Court and

new, private drive-ways, the end result will be fewer public, on-street parking spaces on Gwin Road than now exist. Over flow parking from even modest size gatherings would than be forced to the lower end of Gwin Road which can barely accomodate its own parking needs.

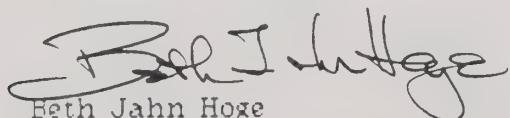
We agree with the further conclusion of the DEIR which states that these **NECESSARY** improvements would, in and of themselves, have a damaging affect on the unique character of the neighborhood by reducing the rural character which is so dear to our hearts as residents.

Many of us in the immediate area work in our homes. We are wondering how we will survive the four year seige, according to a recent conversaton with the developer, of noise and inconvenience from tree cutting, road building and construction.

In 1985, when faced with the loss of an illegally installed second unit, a neighbor at the end of Gwin Road sub-divided her property, and, after-the-fact, was granted a variance. She was given this variance with the provision that she widen her driveway/private road and provide a turning circle, adjacent to her newly sub-divided lot. This turning circle was supposed to help with the added traffic and parking conjetstion associated with the sub-division of just ONE lot. The supposed turing circle is usually full of her tenant's cars rendering it unsafe if not useless as a turning circle. And the traffic and related problems have increased measureably on the lower end of Gwin Road since that time. It is difficult to imagine the amount of increased traffic as a result of four large new homes, to say nothing of ten!

We are deeply concerned about the enormous impact of a project of this magnitude. We urgently recommend an approach that would be consistant with the environment of Gwin Road, the Forest Park area, and the R-30 Zoning Ordinances. A sub-division for four building sites, to be developed in an environmentally sensitive manner, excluding the need for a private road, would not have the disasterous environmental impact of the proposed plan.

Sincerely,



Beth Jahn Hoge  
David Hoge  
6534 Gwin Road  
Oakland, Ca 94611  
(415) 655-4284

9. Beth Jahn and David Hoge; September 30, 1989

9.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.



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2-10-89  
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MICHAEL FREUND  
ATTORNEY AT LAW  
1915 ADDISON STREET  
BERKELEY, CALIFORNIA 94704

415/540-1992

October 1, 1989

Oakland City Planning Commission  
One City Hall Plaza  
Oakland, CA 94612

RE: Draft EIR Proposed Gwin Estates Project

To Chairperson Gudger and Members of the Planning Commission:

I have been retained as legal counsel for the Forest Park Neighborhood Association regarding the above project. I am an environmental attorney with particular expertise under the California Environmental Quality Act ("CEQA".)

I have reviewed the draft EIR for the Gwin Estates Project and believe that the document is not legally sufficient. At this time, my comments will only address the issue of whether the EIR discusses all reasonable alternatives to the proposed project. Section 15126 (d) of the CEQA Guidelines, requires the EIR to describe a range of reasonable alternatives. The section further states: "The discussion of alternatives shall focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The range of alternatives discussed in an EIR is governed by a rule of reason. The objective of informed decision-making and informed public participation must be realized when choosing which alternatives to discuss.

The draft EIR fails to discuss the reasonable alternative of constructing four homes. This is an extremely reasonable alternative in light of the large number of trees that will be cleared from the forest area with the proposed project. The benefits of this alternative will not only reduce the number of trees lost, but will also reduce grading impacts and be more consistent with City policies on preservation of open space in the area northeast of Mountain Boulevard.

Thus, it is my belief that the EIR should be supplemented with a discussion of the four home alternative. Without an informed evaluation of this alternative, the document is susceptible to legal challenge.

Sincerely,

  
Michael Freund

cc to Ann Kaus

10. Michael Freund, Legal Counsel for the Forest Park Neighborhood Association;  
October 1, 1989

10.1 The letter selectively cites CEQA provisions to support the commentor's argument that an additional, four-unit alternative should be included. However, the letter omits another important CEQA provision which may be most pertinent to this comment, i.e., CEQA Section 21085. Section 21085 states:

*With respect to a project which includes housing development, a public agency shall not, pursuant to this division, reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation.*

This EIR indicates that a seven- to nine-unit project, incorporating the various visual, transportation, geotechnical, and drainage impact mitigation measures recommended in the EIR, would reduce identified project impacts to insignificant levels. Nevertheless, a four-unit alternative has been added to the alternatives chapter of the EIR in response to this and similar comments (see the errata section IV herein).

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**KARIN B. SCHLACHTER**  
**6550 Gwin Road**  
**Oakland, California, 94611**  
**(415) 655-2096**

October 1, 1989

Oakland City Planning Commission  
3rd Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

Re: Gwin Estates Project  
Draft EIR  
File #ER 87-63; Ref. #PUD 89-270

Gentlemen,

After reviewing the very thorough Draft EIR for the above referenced project, I remain with a number of concerns that have not been adequately addressed in the document:

The Oakland Comprehensive Plan (Policy Plan, p. H-2) states: "In all development and construction in the Hills (those areas located generally along and northeast of Mountain Boulevard) special efforts should be made to conserve open space and natural resources. Every development which occurs here on a site of substantial size should reserve the most appropriate portions as permanent open space, and these should generally add up to a significant proportion of the site." The proposed project tree removal and the necessary cut and fill for both the planned road and some of the residences are inconsistent with this OCP policy. The major portion of the grove of mature trees which is to be replaced by the proposed development, is located in the upper portion of the terrain, adjacent to the road. Residents and passers-by enjoy this remnant of tall, undeveloped vegetation as a buffer against the bustle of the city below. They also value the large trees for their capacity to hold the soil and thus to stabilize a terrain that runs the gamut from "stable" to "partially stable" to "unstable". 71% of the trees in this grove are to be removed and replaced by ten goodsized executive homes. The character of the "most appropriate" portion of the terrain (because visible from the street to residents and passers-by) will be substantially and permanently altered.

The OPC also states that "development on slopes of 15 to 30% should generally be designed with special attention to controlling runoff and erosion and to preserving the natural topography as much as possible. Cuts and fills and the removal of desirable vegetation should be minimized." The EIR states that portions of lots 3, 8 and 9 will be built on fill or have slopes of > 30%. The western part of lot 3, according to neighbors, must be considered marginally stable because of an existing watershed. The upper portion of the proposed road would also be on fill. Lots 1,2, 5 and 6 would be entirely on slopes > than

- 2 -

30% and portions of lots 1,2, and 5 would be atop slopes of 50%. I am deeply concerned about the impact this will have on the stability of the terrain. While the developer's Preliminary Landscape Plan indicates that in consideration of erosion and landslide risks, the cut-and-fill slopes above and below the new access road would be replanted after roadway construction, on page 180, line 1 pp. it is also stated that "Cut slopes along the proposed new road will be difficult to revegetate, and will be subject to erosion if vegetation cannot be reestablished." It further states on line 23 pp. "...plant cover should be established and maintained on any disturbed ground that may be subject to a rainfall exposure without alternate landscaping." As I imagine the process of building this development, I find it hard to visualize how the slopes above and below the new road might be replanted immediately after construction without losing the access needed for construction.

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The concern discussed above ties in with another that is not realistically addressed in the EIR. Construction time for the project is indicated as 1 year. The developer indicated that construction of the project in total will take at least two years. However, he also indicated that he plans to start with the construction of three units and to complete the other seven (two at a time) as the previous ones sell. It would appear that with such a time plan the terrain might remain in a disturbed state not for one year, but for several years to come. While the developer argues that the development is designed to meet Oakland's need for executive housing (units will be priced in the \$650,000. range), several similar projects in the Oakland Hills have stayed on the market for months without finding a buyer. Will the Gwin Road residents be settled with a long-term (several years), on again, off again building site with all its disruption of noise, traffic and terrain?

.3  
My last concern is about the stated expected increase in traffic volume. The development of 30 bedrooms on this site effectively doubles existing bedroom capacity on Gwin Road. Traffic conditions on this section of Broadway Terrace and on Gwin Road are already hazardous. It is proposed to widen Broadway Terrace in the project area to mitigate the impact of added traffic. The EIR does not address the fact that the only area available for a widening of the existing road contains a watershed, and that settling has occurred along the roadway (in 1974, as stated in EIR) not far from the project site. This might seriously hamper the mitigation of traffic problems.

I am hopeful that the concerns outlined above will be adequately addressed by the City of Oakland before a final plan for the development of this section of Gwin Road is adopted.

Sincerely,

*Karin B. Schlachter*

Karin B. Schlachter

11. Karin Schlachter; October 1, 1989

- 11.1 For the most part, the commentor cites DEIR findings in commenting on the merits of the project itself. With respect to the EIR-recommended revegetation measures, the replanting can occur as proposed without disrupting construction access. Construction access would be provided via the graded access road surfaces; these road surfaces would not be replanted.
- 11.2 See response to similar Comment 1.1.
- 11.3 The EIR Transportation mitigation calling for the widening of Broadway Terrace along the project frontage clearly indicates that existing geotechnical and drainage constraints may limit widening possibilities. The mitigation language on DEIR pge 111 clearly points out that "the feasibility of such widening is questionable; it would require additional fill, more retaining wall construction, and related drainage provisions."



OAK. CITY PLANNING COMM.  
3<sup>RD</sup> FLOOR, CITY HALL  
ONE CITY HALL PLAZA  
OAK, CA. 94612

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12

RE, GWIN ESTATES PROJ.

DRAFT EIR

FILE # EIR 87-63, REF # PUD 89-271

DEAR COMMISSIONERS

While not against development in the Oakland Hills we feel that the 10 houses proposed for the Gwin Estates Project are excessive considering the land in question and the overall stability of the area and natural water drainage. Having been a resident here for the past nine years and survived numerous winter storms and fair weather construction projects we urge the planning commission to seriously consider adopting the smaller scale seven house project outlined in the EIR and to rigorously study and inspect the proposed drainage and retaining wall proposals to protect the people living in/around the new project.

John Gwin  
Personal

12. Kevin and Debra Medlock; undated

12.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

Oakland city planning commission <sup>67</sup>  
3rd floor city hall  
One city hall plaza  
Oakland Cal 94612

13

Re giving Estates Proj

Draft E 1R

File # E R 87-63 Ref # Pvd 89-270

We do not need even one more house built  
above us, let alone 10. The water run off  
has all ready damaged our foundation  
due to a house above us,

Mr + Mrs Donald Carlyle

13. Mr. and Mrs. Donald Carlyle; undated

13.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

Oct 1, 1989

14<sup>69</sup>

Oakland City Planning Commission  
1st Floor City Hall  
1 City Hall Plaza  
Oakland, CA 94612

Re: Twin Estate Project  
Draft EIR  
File #ER-87-63 Ref. # PUD 89 270

Dear Commissioners:

It concerns me that a development will be constructed on land that is highly unstable. Last bad rain storm brought mounds of mud into our back yard. As I live below the water shed, I feel like a development such as this would greatly threaten our home.

Respectfully,  
Cherie Stallone

14. Cherie Stallone; October 1, 1989

14.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

Oct 1, 89

71  
15

Oakland City Planning Commision  
3<sup>rd</sup> flr City Hall  
One City Hall Plaza,  
Oakland, CA 94612

Re: Gwin Estates Project.

Draft EIR

File # EIR 87-63, Reg # PUD 87-270

I am a tenant living at 6291 Rutland Road. I have read the Environmental Draft Impact Study on the proposed Gwin Estates project, and am concerned about the hazards to drainage & potential mudslide.

We have already had one mudslide, and fissures have already appeared on the ground floor. Given the soil conditions and potential of mudslides in an area prone for earthquakes, I oppose the proposed project.

I also work much of the time, and value the privacy and rustic beauty of this area, and do not want to see it developed in the future. ~~Thank~~

Sincerely

Veronica Walsh

15. Victor Walsh; October 1, 1989

15.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

Oct. 1, 1989 ?

16

Oakland City Planning Commission  
3rd fl. City Hall  
One City Hall Plaza  
Oakland, Ca. 94612  
Re Gwin Estates Project

Draft EIR

File # ER87-63, Ref. # PUD 89-270

Dear Commissioners:

As a resident directly below this proposed development, I am very concerned about the effect of the drainage & potential mudslides ~~on~~ on my property. I am aware of the damage done to my garage in at least one previous mudslide many years ago and I already get water in my basement when rains are heavy, major cracking in walls etc due to bad settling and am very fearful that increased soil & tree removal and drainage may cause major problems to my home.

Sincerely

Judy Sutterbad

6291 Ruthbad Rd.  
Oakland, 94611

16. Judy Sutherland; October 1, 1989

16.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

Dear Commissioner's

I'm concerned about the development  
at Iwini estates.

our neighbors and us have  
experienced drainage problems.

Sincerely

Yvonne Gutman

17. Jules Gutman; undated

17.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

CITY PLANNING COMMISSION  
3RD FLOOR, CITY HALL  
1, CITY HALL PLAZA  
OAKLAND, CA. 94611

18<sup>77</sup>

Ref: GWIN ESTATES Project  
DRAFT EIR: ER 87-63  
REF # PUD 89-270

REAR Commissioners

I moved to the Oakland Hills to get an "out of city" atmosphere. I am definitely opposed to this development and further feel the hills have been developed to the point where further building will be detrimental.

Arnold Madden

18. Gerald Madden; undated

18.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

Oct 1, 1989

79  
19

Dear Commissioner:

I have read the sports E.I.R. draft and still feel strongly that this development is totally too much for the area and the soil conditions.

Dave Hyde

19. Dave Hyde; October 1, 1989

19.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

October 1, 1989 20

Dear Commissioner

We are extremely concerned about the 10 unit development Twin Estates.

We were told that there were history of mudslide in this area. One crushing my neighbor's garage. I don't think the E.I.R has properly addressed this issue.

Haymond Fung

20. Waymond Fung; October 1, 1989

20.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.

83  
21  
City Planning Commission  
3rd Floor - City Hall  
41 City Hall Plaza  
Oakland, Ca. 94612

Dear Commissioners,

Please reconsider proposed building of ten houses in the Glavis Estates Project (Draft EIR : ER 87-13)

We have had many landslides and severe water damage from run-off as a result of building and improper drainage control on Broadway Terrace, above Swallow Road.

Many of my neighbors have had to make costly repairs to their homes and property due to this run-off.

Harvey Walter  
6195 Swallow Road  
Oakland, Ca. 94611

21. Charles Walter; undated

21.1 See response to Comment 20.1.

22

City Planning Commission  
 3rd Floor, City Hall  
 City Hall 77 Cape  
 Ontario Ca 94612

The "New Estate Project"  
 Draft EIR ER 87-63  
 Proj No Proj 88-270

Dear Commissioner

The draft EIR refers to rail  
 instabilities, but we feel the mitigations  
 suggested are not adequate. I live  
 directly below the project and am  
 concerned about mudholes. I hear there  
 have been many in the area which  
 were not retained in the EIR.

Steve Tiago

22. Nancy Fung; undated

22.1 See response to similar Comments 6.10 and 20.1.

6373 Fairlane Dr.  
Oakland, CA 94621  
87

23  
City Planning Commission  
3rd Floor, City Hall  
1 City Hall Plaza  
Oakland, CA 94612

Re: Ocean Road Estates

Dear Commissioners;

I live below the planned project and I am very concerned about mud slides that might occur because of the unstable soil as described in the EIR for this project. I do not believe that the suggested mitigation measures are adequate. .1

Also, a 10-unit development is out of keeping with the character of the area. .2

Sincerely yours,  
Janet Spitter

23. Janet Splitter; undated

23.1 See response to similar Comment 20.1 and 6.10.

23.2 The EIR Land Use and Visual Factors section extensively and adequately address project relationships to existing development in the site vicinity, including the visual/neighborhood character concerns identified in this comment.

6279 Virgo Rd.

Oakland Ca 94111

9/29/89

415-654-6608

24

89

To the Planning Commission:

I wish to strongly oppose the "GWIN Estates" as currently proposed. (City File ER 87-63 City Ref. PUD 89-270 SCH #89030704). I would most support a smaller number of homes being built in the area immediately adjacent to GWIN RD / Broadway Terrace and that the entire project be denied as currently proposed. If this is not possible, I urge you to modify the project to the Seven unit alternative recommended by the EIR. .1

I am concerned that the number of houses, size of houses, and amount of grading is out of keeping with the neighborhood. This is a very steep parcel & this amount of development will adversely affect the drainage & appearance of the hill. The additional traffic to narrow, dangerous streets will be significant. I would like to see a project with smaller homes & less grading required.

I moved to this area recently and am a homeowner. **24**  
People from different areas of the country ask "why Oakland?"  
Oakland has a reputation as being a terrible place; and  
I tell them what a nice area it is. To me,  
this is exactly the sort of project that the Planning  
Commission should be modifying to preserve  
what is attractive + livable in our community.

Some newly approved developments are out of keeping  
with the area. I do support the concept  
of in-fill + construction of more housing, but  
these houses are <sup>expensive</sup> too large to fill any appreciable  
real need.

Thank you,

Yours truly,

Kathleen Roth

Kathleen Roth MD.

24. Kathleen Roth; undated

24.1 The commentor cites EIR information in discussing the merits of the project. Since there are no comments on EIR adequacy, no further response is necessary.



Oakland City Planning Commission

Oct. 1, 1985

3rd Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

Dear Sirs,

I am writing to you as a concerned citizen about the proposed development on Gwin Road, in the Oakland hills.

I have lived in this area for 17 years, and have noticed a significant build-up in the traffic on our street and in the area. Parking in the hill area is a major problem as well as the safety of people walking on the street.

In addition I do not see a need for further development in this area due to the movement of earth when it has been disturbed by grading and filling. This particular development is proposed in an area with a record of sliding, so it would

94 I seem unwise to disturb the area  
I enjoy the peace and beauty **25**  
of this area, and would not like  
to see more homes built for  
aesthetic reasons.

Lake Tlalescal has had major  
problems due to grading in the  
area draining into it. This park  
is important to the people of the  
area for recreational purposes  
and further disturbance in the  
drainage area would create further  
problems for it.

I join others in the Forest Park  
Neighborhood Association in wanting  
this project.

Respectfully,  
Alice Dornan

25. Alice Dorman; October 1, 1989

25.1 This letter addresses the project itself. Since there are no comments in this letter on EIR adequacy, no further response is necessary.



10/1/89

26

TO:

OAKLAND  
City Planning Commission

From: Shelly Lewinthal

RE:

Building on Broadway Terrace/burn ? future  
Development

In buying my home in April, 1988 my soil engineer report strongly suggested that if there were further development above my property, then purchase would be questionable due to drainage.

I strongly oppose further development above my property due to safety reasons as the land above my home although somewhat ~~in tact~~ intact now is vulnerable for the future --

(Who would be responsible for any sliding in the future)

- ② If further development occurs what would be done to minimize future sliding and enhance safety
- ③ If any development happens how can we be kept abreast of soil engineers progress. (ours)

Thank you in advance for answering  
my concerns.

Shelly Leventhal  
6320 Swainland Rd  
OAKLAND CA 94611

26. Shelly Leventhal; October 1, 1989

26.1 The question of legal liabilities with respect to potential project impacts is not a proper subject for an environmental impact report. Presumably, the landowner would be liable for any unnecessary harm to other landowners incident with the use of his or her property, including any landsliding damage directly induced by the project.

This DEIR on pages 136 through 142 includes an adequate list of conventional mitigation measures to address project slope stability concerns. See response to similar Comment 6.9 in regard to future sliding potentials. As part of the normal subdivision application approval procedure and the associated grading permit process, the city would review various geotechnical documents, including warranted soil engineering reports. The availability of information from such reports would be subject to adopted city procedures.



101  
27

October 1, 1989

Oakland Planning Commission  
3rd Floor, City Hall  
1 City Hall Plaza  
Oakland, Ca. 94612

Reference: Gwin Estates Project

Dear Commissioners:

I have reviewed the draft of the environmental impact report for the proposed Gwin Estate Project and support the Forest Park Neighborhood Associations position.

In view of my past experience with landslides in this area I feel that if the project is approved it should be for a maximum of four units instead of the ten units planned. This would at least limit the damage to our area.

Very truly yours,

*REH*

Rodney E. Hensen  
6279 Ruthland Road  
Oakland, Ca. 94611

27. Rodney Hensen; October 1, 1989

27.1 Reference is made in support of the position taken by the Forest Park Neighborhood Association (letter #6). There are no comments on EIR adequacy; no response is necessary.

28

6061 Merriewood Drive  
Oakland, 94611  
October 2, 1989

Director of City Planning  
Oakland City Planning Commission  
3rd Floor, City Hall  
City Hall Plaza, Oakland, 94612

Dear Mr James,

It has been just a few short months since I have moved to this area of Oakland, feeling the great fortune of being surrounded by trees, and away from the noise, traffic and density of downtown, only to wake up every morning to the penetrating beep beep beeping, rumblings and whining sounds of construction. It has been going on six days a week starting at 7:30 am and continues to permeate the air all day long. This has been months. It is like Chinese torture.

I find Oakland a fascinating city because of its diversity, in peoples, architecture, cultures, and topography. The continual development that has been spreading through the hills is a sad and hopefully not irreversible sign that Oakland may soon no longer have that diversity. I speak now more specifically of the planned development on Gwin Road near Broadway Terrace, though it is only one of several cases.

I often walk from my home up past Gwin Road, enjoying the fresh air and a healthy sense of nature being the most dominant feature of the surrounding area. This will be lost if Gwin Road is allowed to become another little suburbia. Driving to my home up Broadway Terrace and Uranus is already beginning to resemble a parking lot! Having read part of the EIR for the proposed Gwin Estate project, I find many points to question and revise, but time is of the essence, and so briefly I would like to point out that to reduce the building from 10 units to nine, eight or seven, is like a person planning to eat a whole, big, rich, chocolate cake and deciding that it would be perfectly alright as long as he leaves a slice or two uneaten! A crazy analogy, but appropriate I think!

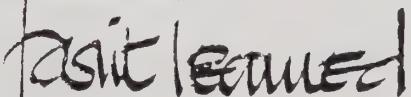
Having talked to some of the neighbors on my walks I sensed a forboding from them of what might come in terms of the added traffic congestion, loss of trees, entrapment, sewage complications, noise, and a tiredness at having had to oppose development in this area for such a long time. Is this what happens? The community is worn down over a period of time to the point where they no longer have the energy to oppose the developers so that then the developers can just walk in and proceed with their plans?

The intent of the developers of this project, of creating 10 \$600,000 houses, is not to service or improve the community but to serve their own pocket book. I see no other motivation and it would be to everyone's loss but theirs.

We, as residents of this area, have chosen to live here to get away from traffic, noise, density, congestion and on going sounds of urban construction. Not to invite it in! The report suggests that it would all be built at once to avoid extended noise of construction, but one of the bordering residents was told by one of the developers that, due to costs, that they would probably be doing one at a time. He also said there would be no children living in the new houses. I find that disturbingly curious. What other conflicting information has been used to court and sway the community?

It is unfortunate that the hearing on Oct. 4th is set at a time when many of the residents will not be able to attend, but hopefully you have taken note of the letters and comments presented to you, and will respond with respect for those who actually live and will be living here in what we hope you will help maintain as a peaceful, quiet (except for that damned beep beeping), and natural setting. Once that is destroyed there is no return.

Respectfully,



Dorit Learned

cc:Thomas Doctor  
Marj Haskell  
Dick Spees  
Anu Raud  
Forest Park Neighborhood Association

28. Dorit Learned; October 2, 1989

28.1 See response to similar Comment 1.1.



# THE MONITOR

107  
29

October 2, 1989

Oakland City Planning Commission  
City Hall  
Oakland, CA 94612

Dear Sirs;

My review of the draft EIR of the proposed Gwin Estates Project leads me to believe that the problems of traffic, parking and related issues have not been properly addressed.

It is my understanding that the project would require certain changes in the intersection of Broadway Terrace and Gwin Road. These "necessary" changes would reduce the number of parking spaces available at the beginning of Gwin Road. During evenings and weekends, when residents are home, the road and the turning circle are often parked to the maximum. Any additional parking requirements could create an extremely congested and unsafe situation.

Conventional zoning in the area provides for four homes along Broadway Terrace and Gwin Road. This seems to me to be impactful enough for our quiet road. And, I feel that the use of a PUD is inappropriate in an area that is already quite densely populated. I reside at 6560 Gwin Road.

Sincerely,



Karen Klaber,  
Publisher

.1

.2

29. Karen Klaber; October 2, 1989

- 29.1 The EIR includes an adequate discussion of project onstreet parking impacts, related impacts on normal and emergency access (including the turning circle), and specific mitigation measures, including recommended additional offstreet parking requirements (please see DEIR pages 96, 97, 106, 107, 112, and 113).
- 29.2 The comment includes a misunderstanding regarding what conventional zoning for the area would allow. R-30 zoning will allow substantially more than 4 units on a 4.08 acre site. Please see response to similar Comment 1.3.

30

October 2, 1989

Oakland Planning Commission  
Third Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

I am concerned about the proposed cutting down of 71% of the trees at the development site on the corner of Gwin Road and Broadway Terrace. I do not approve of it and wish to register my complaint and concern with the Planning Commission.

Sincerely yours,

*Carla Itzkowich*

Carla Itzkowich  
Resident  
6351 Swainland Dr.

30. Carla Itzkowich; October 2, 1989

30.1 Since there are no comments in this letter on EIR adequacy, no further response is necessary.

31

October 2, 1989

Oakland Planning Commission  
Third Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

I am concerned about the proposed cutting down of 71% of the trees at the development site on the corner of Gwin Road and Broadway Terrace. I do not approve of it and wish to register my complaint and concern with the Planning Commission.

Sincerely yours,



Jon Golding  
Resident  
6351 Swainland Dr.

31. Jon Golding; October 2, 1989

31.1 Since, there are no comments on EIR adequacy, no response is necessary.

113  
Ann  
Case file 32

October 2, 1989

Oakland Planning Commission  
Third Floor, City Hall  
One City Hall Plaza  
Oakland, CA 94612

I am concerned about the proposed cutting down of 71% of the trees at the development site on the corner of Gwin Road and Broadway Terrace. I do not approve of it and wish to register my complaint and concern with the Planning Commission.

Sincerely yours,

*Norma Armon*

Norma Armon, Ph.D.  
Resident  
6351 Swainland

32. Norma Armon; October 2, 1989

32.1 Since there are no comments in this letter on EIR adequacy, no further response is necessary.

33

Diane Schneider  
 15038 Broadway Terrace  
 Oakland, California 94611  
 October, 3, 1989

Oakland Planning Commission  
 Third floor City Hall  
 One City Hall Plaza  
 Oakland, Ca. 94612

Re: Gwin Estates Project; City file No: ER 87-63;  
 City Ref No: PUD 89-276; SCH NO: 89630704

Dear Planning Commissioners:

I recently purchased the property at 15038 Broadway Terrace and was quite distressed when I learned about the proposed ten unit development on the corner of Gwin Road and Broadway Terrace.

I adamantly oppose the Gwin Estates project in that I believe it will have a significant detrimental effect on the quality of life for myself and the Forest Park neighborhood in general. The nature and extent of these effects are more fully outlined in the letters presented by other members of the Forest Park Neighborhood Association. I concur with the concerns raised in these letters.

I am therefore respectfully requesting that the proposal in its current form be denied approval by the Planning Commission.

Sincerely, Diane Schneider

33. Diane Schneider; October 3, 1989

33.1 Reference is made in support of the position taken by the Forest Park Neighborhood Association (letter #6). Since there are no comments in this letter on EIR adequacy, no further response is necessary.



# East Bay Regional Park District

11500 SKYLINE BOULEVARD, OAKLAND, CA 94619-2443 TELEPHONE (415) 531-9300 FAX: (415) 531-3239

Dec 2  
10.10.89

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•  
PAT O'BRIEN  
General Manager

34

October 5, 1989

Ms. Ann Raud  
Oakland Planning Department  
One City Hall Plaza  
Oakland, Ca 94612

SUBJECT: Draft EIR for the Gwin Estates Project SCH# 89030704

Dear Ms. Raud

The EBRPD has reviewed the subject document offers the following comments. The District owns and operates Lake Temescal Regional Recreation area in the watershed below the project site. There has been a continuing problem with accumulation of silt in Lake Temescal to such an extent that dredging has been required in order to permit continued swimming, fishing and other water related recreation.

The DEIR (pp 128-135) describes various erosion and slope stability impacts which could occur as a result of the project. Additionally, the DEIR (pp. 152-157) describes various adverse water quality impacts which could occur as a result of this project. The downstream consequences of these impacts include siltation and water quality impacts on Lake Temescal itself. In the past the District and the City have worked diligently together to protect Lake Temescal from such impacts due to grading and construction in the watershed. Thus, The District now requests that The City include all the mitigation measures given on pages 136 to 142 and pages 157 to 160 as conditions of any approval it may grant for construction on these site.

The District appreciates the opportunity to comment on this EIR and Looks forward to continued cooperation with The City in the protection the valuable recreation resource of Lake Temescal.

Very Truly Yours,

T.H. Lindenmeyer  
Environmental Specialist

TL/dvb

cc: P. O'Brian  
T. Mikkelsen  
M. Terner  
K. Shea  
K. Burger  
Board

34. T. H. Lindenmeyer, East Bay Regional Park District; October 5, 1989

34.1 The comments by the East Bay Regional Park District are noted. Subsequent to EIR certification, the city would impose mitigation measures as conditions of project approval, including those measures recommended in the EIR for reducing siltation and water quality impacts, as warranted.

RECEIVED

35

OCT 11 1989

CITY PLANNING COMMISSION  
ZONING DIVISION

Oakland Planning Commission  
1 City Hall Plaza  
Oakland, CA 94612

Andrew & Dorothea Allen  
6518 Gwin Road  
Oakland, CA 94611

Re: Gwin Estates Project  
ER # 87-63

October 5, 1989

The table of past landslides on page 125 of the Draft EIR is incomplete. The long-time residents of the area recall several slides that are not listed. One of those residents, Ms. Ruth Brace, has documented some of those slides in a letter to the Commission that should arrive independently of this one.

However, this documentation is being provided by individuals who are opposed to the project, and has not been impartially verified. Since the City's landslide file is deficient in its records of this particular area, we ask that Wagstaff Assoc. be required to search the files of the Montclarion for this information. This will be a productive effort, because we have already ascertained that the records exist in their files, and that they are willing to have them examined.

Thank you,

*Andrew E. Allen*

Andrew E. Allen

*Dorothea H. Allen*

Dorothea H. Allen

35. Andrew and Dorothea Allen; October 5, 1989

35.1 See response to similar Comment 6.10.

3rd floor, City Hall  
1 City Hall Plaza  
Oakland, CA 94612

CR87-63

121

Dec 10 1989

36

October 6th, 1989

Dear Commissioners

I am a homeowner on Gwin Road. I attended the October 4th Planning Commission meeting, and the public hearing on the Draft EIR for Gwin Estates Project, and the preliminary P.U.D. permit application.

I noted that the members of the Planning Commission expressed some concern about "the change in the character of the neighborhood" in reference to a couple of other items on the agenda -- a deck on a private house and a nursing home in a residential area. However, when the Co-Chair of the Forest Park Association quoted from the Draft EIR that the Gwin Estates Project, as proposed, would have "a significant adverse impact on the semi-rural character of the neighborhood", this did not seem to be of concern to the Commission or the Staff. The Commissioners asked no questions nor made any statements related to this issue. Ms. Verdon-Roe noted that the proposed project is inconsistent with CEQA and the OCP. She quoted the specific, relevant laws and policies. Again the Commissioners had no comment.

Commissioner Black brought up a concern that we all have -- traffic. He noted that the EIR attaches only marginal importance to this problem, whereas he felt the additional traffic could be "a very big future problem." But his stated concern was not for Gwin Road itself. He noted the fact that Broadway Terrace is already a narrow, dangerous, much-used windy street. I welcomed some sign of concern about the size of the proposed project and the impact it would have on the surrounding area.

I also found "the head count" for and against the project disturbing. Not one of the "proponents" for the project live in the immediate vicinity. We listened to comments from a series of people who are currently working on this project or who have had a previous financial relationship and perhaps will have a future working relationship with the developer and his crew. These are people with a prejudicial financial relationship to this project.

One proponent emphasized the amount of taxes that could be raised if all 10-units were built, but neglected to consider the costs to the City. In any case, it seems strange to me, and even unpatriotic, to consider that the Commissioners would allow financial considerations to outweigh the laws of California and Oakland.

I hope at the next Commissioners meeting, we will see more concern from the laws of our city and our State.

Sincerely,



Michael Porter  
Owner of 6511 Gwin Road, Oakland, CA 94611

36. Michael Porter; October 6, 1989

36.1 These comments refer to the proceedings of the Planning Commission public hearing on October 4, 1989. In regard to the comments made by Planning Commissioner Black, see the responses herein to commentor #56.

# THE VIDEO PROJECT

Films and Videos for a Safe & Sustainable World

The City Planning Commission  
City Hall, 3rd Floor  
1 City Plaza  
Oakland, CA 94602



October 8, 1989

## GWIN ROAD ESTATES PROJECT: ER 87-63

Dear Commissioners

I found the Planning Commission meeting Wednesday, October 4th, disturbing. While I noticed one of you remarked on the importance of projects fitting in with the neighborhood in earlier items, I did not note the same concern expressed about the proposed 10-unit development which requires the destruction of a highly valued woodland. The inconsistency of this project with the semi-rural character of our neighborhood is not a small issue; it is a matter of law, under the California Environmental Quality Act.

I also would like it on the record that the model created by the developer is inaccurate. The trees around the neighboring houses are shown to be less dense than they are. And the trees around the development houses would not exist for 10 - 20 years, if at all. The model minimizes the difference in size between the development units and the existing houses on Gwin Road, which are considerably smaller. The model gives a misleading impression that the development fits into the character of the neighborhood. In reality, it would stick out like a sore thumb.

Sincerely,

*Vivienne Verdon-Roe*

Vivienne Verdon-Roe

*cc. Mr. Alvin James.*

5332 College Avenue, Suite 101 • Oakland, California 94618 • 415-655-9050

Vivienne Verdon-Roe, President/Co-Founder • Ian Thiermann, Chairman/ Co-Founder • Steve Ladd, Executive Director

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A Project of the Escalator Foundation

37. Vivienne Verdon-Roe; October 8, 1989

37.1 These comments refer to the proceedings of the Planning Commission public hearing on October 4, 1989, and the model of the project presented by the project sponsor at that public hearing. The EIR adequately addresses the issues of concern brought up by neighborhood residents, including those in this letter.

Richard T. LeGates  
ATTORNEY AT LAW  
6501 GWIN ROAD  
OAKLAND, CALIFORNIA 94611  
(415) 547-0701

38

Urban Planning, Housing, and  
Community Development Law

File ER P7-63

October 9, 1989

Oakland Planning Department  
Attention: Anu Raud  
Oakland City Hall  
Oakland, California

Dear Commissioners

Re: ER 87-63  
PUD 89-270

After listening to the testimony at the hearing on October 4 I would like to request Wagstaff Associates to discuss the following alternative to the proposed development as a possible mitigation measure.

1. A development without Gwin Court
2. Four houses within the area roughly occupied by houses 1, 6, and 7 as illustrated in the map of mitigation measure # 7 on p. 208 of the EIR

It would be helpful to have an assessment on how this would affect:

- Grading, particularly the need for cuts on steep slopes
- Construction of houses entirely or partially on slopes in excess of 30% and 50%.
- Construction in the watercourse area adjacent to Broadway Terrace
- Removal of trees
- Parking
- Traffic on Broadway Terrace
- Risk on blockage in the event of a fire or other natural disaster during construction and after the project is complete
- Noise, congestion, and other disruptions during construction
- Visual impact
- Consistency with development in the area -- particularly on the lower side of Gwin Road where the 4 houses would be.

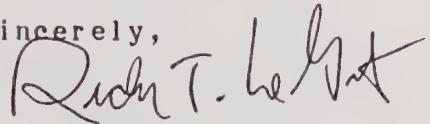
4 126  
38 .2

Written and oral testimony of members of the Forest Park Association, residents of Gwin Road, and persons who live near the site favored reducing the site density to about 4 houses. The impacts identified above are the major concerns expressed at the hearing.

My letter to the Commission of September 30 stressed the legal necessity of an analysis of development under existing zoning. At the hearing the developer agreed that such an analysis would be desirable and I still feel that would be helpful.

As I indicated in my letter I am not opposed to a development either with necessary variances or a PUD if necessary to accommodate a four house development.

Sincerely,



Richard T. LeGates

38. Richard LeGates; October 9, 1989

38.1 In response to this and similar comments, a four-unit alternative has been added to the Alternatives chapter errata in section IV herein. Please also see response to similar Comments 10.1 and 1.3.

38.2 See response to related Comment 6.13.



39

6171 Buena Vista Avenue  
Oakland, CA 94618

October 9, 1989

Oakland City Planning Commission  
c/o Anu Raud  
3rd Floor/ City Hall  
One City Hall Plaza  
Oakland, CA 94612

Re: File # ER 87-63  
Reference # PUD 89-270  
GWIN ESTATES PROJECT

Dear Commissioners,

As a resident living in the vicinity of the above referenced project, I am writing to you in support of this quality development.

I have reviewed the EIR draft, the plans and the site map and it appears to be a well thought out project. The plan density seems conservative in the accomodation of ten homes. The environmental disturbance would appear to be minimal compared to the enormous economic benefits to the City of Oakland.

As a former teacher and now as a parent with a young child in our public school system, I am very concerned about our City being able to provide a quality education for all children. One of the ways to bring substantial money into the City and into the schools (and public services) is through taxes on such a development as the Gwin Estates Project. Not only will significant transfer taxes and property taxes be generated, but the values on the present homes in the area (and specifically Gwin Road) will increase and provide greater taxes when transferred as well.

In conclusion, this clearly appears to be a high calibre project with a full team of committed and knowledgeable professionals. I would urge you to approve the EIR for ten units as proposed.

Yours truly,

  
Patricia A. Mitchell

39. Patricia Mitchell; October 9, 1989

39.1 The commentor urges approval of the EIR. No response is necessary.

40

## IVAN VEGVARY, P.E., L.S.

Engineering • Surveying • Subdivisions

40 Terra Teresa, Lafayette, CA 94549

(415) 947-1051 Fax (415) 932-1026

Hand Delivered

October 9, 1989

Ms. Anu Raud, Planner  
 3rd Floor, City Hall  
 One City Hall Plaza  
 Oakland, CA 94612

Re: Draft EIR, ER 87-63, PUD 89-270, Gwin Estates Project

Dear Ms. Raud,

Attached please find four copies of a "study" that the Humann Company had on hand. The study was done approximately in 1986 and is consistent with R-30 standards.

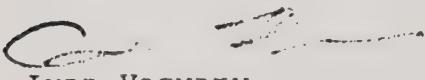
Coincidentally, please note that the only difference between said study and our current application, is the use of a full width public street. (40' wide R/W, 32' wide street). This additional frontage is what allows more lots to be created.

Said plan was done for Tony Wright, who later abandoned the effort. It is just one of many that have been studied by me and the Humann Company since 1978.

As we had discussed, our letter to the Planning Commission, dated September 25, 1989, along with this enclosed "study", is the project sponsor's official reply to the EIR. Accordingly, I trust that you will forward it to Wagstaff's Office.

If you have any questions, please don't hesitate to call me.

Respectfully submitted,



Ivan Vegvary

cc Bill Weissberg



40. Ivan Vegvary (Project Manager); October 9, 1989

40.1 A 1986 "study" for a development project on the subject site consistent with R-30 standards is submitted. In response to this comment and submittal, a 12-unit project alternative, consistent with R-30 zoning without a P.U.D. Permit, has been added to the Alternatives chapter errata in section IV of this Final EIR attachment. Also, see response to related Comment 6.13.

40.2 Reference is made to the project sponsor's comments (letter #3) which are responded to earlier in this attachment. No additional response is necessary.

**B. PUBLIC HEARING TESTIMONY**

**October 4, 1989 Regular Meeting of the Oakland Planning Commission.**

*This section contains a summary of the public hearing testimony on the Gwin Estates project and Draft EIR heard by the Oakland Planning Commission at its October 4, 1989 regular meeting. Individual comments are number-coded. The summarized proceedings are followed by corresponding (number-coded) written responses of the city (the Lead Agency) to all substantive environmental points raised.*

**41. Ivan Vegvary, Project Manager**

For the record, the written comments of the Montclair Investments, Inc. (letter to Anu Raud, Assistant Planner; dated September 25, 1989) are presented by reference. The P.U.D. Permit is being sought to allow the private road only; no variances, setback differences, or other changes from the existing R-30 zoning regulations are being sought. In regard to the proposed onsite excavation for the roadway and subsequent ravine fill, the fill would not be necessary to build houses, but rather to avoid exportation of earth from the site; removal of dirt from grading would be approximately a 2.5-day operation. A one-inch-to-forty-foot scale model of the project and its vicinity is presented; the intent of this model is to show the vicinity drainage basin.

Several speaker cards are submitted for persons supporting the project. The site is the flattest of any land (existing home sites) in the vicinity. It is unclear where the DEIR figure of a 1.46:1 slope came from. Gwin Court would be built during the first construction phase. There would be no construction activity on Gwin Road after the first year. Also, the model of the project is based on aerial photographs and is accurate. In addition, the project sponsor would like to see a project alternative under R-30 zoning without a P.U.D. permit.

**42. William Weissberg, Montclair Investments, Inc., Project Sponsor**

The project site was purchased from the previous owner (Jones) in May 1988. The P.U.D. Permit would allow the building of homes off of Gwin Road and Broadway Terrace. As proposed, only three homes would front onto Gwin and one home would front onto Broadway Terrace. The total grading for the new street would be less than that for one uphill residence. There is no real reason to reduce the number of lots; the city's general

plan would allow 17 lots, and the R-30 zoning would allow 33 lots; the number of lots proposed keeps the project as compatible as possible with existing homes. The project would result in tax benefits. The project would also reduce fire hazards. The neighborhood has been contacted in regard to the proposed project since the public circulation of the Draft EIR; the project sponsor is willing to mitigate as many concerns as possible.

**43. Richard Schadt, Project Landscape Architect**

The project site is filled with eucalyptus trees. Existing trees near Gwin Road and Broadway Terrace would be retained except for house foundations and private streets. Most irrigation would be drip-type except near the houses; there would be vegetative screening between houses. The landscaping intent is to establish lush vegetation.

**44. Izzat Nashashibi, Project Engineer**

A width of 30 to 50 feet would be required for grading operations for the new street. Additional parking has been provided for project dwellings, in response to the Draft EIR. Also, four parking spaces would be provided at the cul-de-sac end of the new street. The width of Gwin Road along the project frontage has been increased. The back-up movements for the first house on Broadway have been revised. In regard to the existing fill along the site frontage, this fill would be removed and replaced with new fill; the details have yet to be worked out.

**45. Paul Vincent, Project Architect**

The construction program would entail the building of two or three units at a time to minimize construction impacts. Also, each house would be individually landscaped.

**46. Vivienne Verdon-Roe, Forest Park Homeowners Association**

The project would remove all of the upper woodland portion (trees) of the site. There would be changes in the semi-rural character of the site. The eucalyptus is valued, but is a fire hazard. The Association will reforest the area if a project consistent with the Oakland Comprehensive Plan is chosen. The project as proposed causes significant biological impacts; the alternatives would still necessitate tree removal; the project should be

redesigned with fewer units; the alternative of four houses with no common road is preferred. The Association's attorney has pointed out that the EIR needs reasonable alternatives. There are grading concerns and excessive slopes (1.46:1 slopes). There is slope failure both southeast and southwest of the site. The alternatives are inadequate; there would continue to be excessive grading and building on slopes greater than 30 percent. The project fails on all requirements in regard to P.U.D. regulation 9407. The four-house alternative is preferred. The project as proposed would be out of character with the existing neighborhood; it would be an eyesore.

**47. Richard LeGates**

The project presents a major procedural problem. The granting of a P.U.D. Permit is a discretionary action. The DEIR omitted a mitigation: What would the development be without the P.U.D. under R-30 zoning? The DEIR is incomplete; one more alternative needs to be looked at, a development under existing R-30 zoning. If a P.U.D. is to be appropriate, it needs to respect the character of the neighborhood. Most of the site is unbuildable; the 10 houses are to be located on the 1.5 acre buildable portion of the site.

The R-30 alternative is legally required; this alternative should be evaluated before proceeding with the P.U.D. procedure.

**48. Andrew Allen**

The table of past landslides is incomplete. Several neighbors recall a severe slide which affected Ruthland Drive. The slope of the project model may not be accurate. Development on lots 1 and 2 would cause a disaster on Ruthland and also block the Gwin access. Section 21810.6 requires a bond to minimize landslide risks.

During the construction of the tennis courts, construction traffic blocked Gwin Road on several occasions; it was not possible to get to work on time.

**49. William Hull**

The context of the project should be considered. Broadway is a major collector, with autos, bicycles, and joggers on the roadway. Gwin is a dead-end street. There is "on-street" parking on Broadway. People tend to park on Gwin near the intersection; the area of the

fill is available for parking. With the project, it is likely that emergency vehicles will not have access. There are fire hazards from below Ruthland or the recreation area. Access is a constraint on density.

There are no other P.U.D.s in the area. The existing houses comprise a lower density than the proposed project.

One cement truck could block the street. The construction would coincide with the summer fire season.

People supporting the project do not live near the project site.

**50. Michael Porter**

Passes out a handout and pictures of the area to the Planning Commission. If the project is built three houses at a time, there will be a four- to five-year building period which will impact people who work at home. Project houses will be more expensive than existing homes. The site will be ruined. The project will not be in character with the existing neighborhood. The project model is inaccurate.

**51. Gordon Henderson, City Planning Commissioner**

Fire safety during construction needs to be addressed; these concerns should be addressed in the Final EIR.

The safety of the Broadway Terrace/Gwin Road intersection is a concern.

**52. Nancy Fung**

A landslide in the direction of Ruthland Road could affect her house.

**53. Dave Riker**

The proposed project is reasonable; support the project.

**54. Patricia Mitchell**

The DEIR addresses issues of concern. Taxes generated by the project would be significant and would benefit the city. It is high-caliber, well-thought-out project.

**55. Harry Metaxas**

The project design team is qualified and does good work. The city has adopted a policy of eucalyptus removal. Eucalyptus is not native to the area. With proper landscaping, the project will fit into the character of the area.

**56. Bruce Black, City Planning Commissioner**

Most houses in the hill area are built in small increments. What will be done with traffic? Traffic is on a marginal basis as indicated by the TIRE index. What about the future development built up the hill? There should be a cumulative impact analysis. Broadway Terrace is a dangerous street. Additional land in the hills can be developed--seven to ten more units. What would be the traffic impact of these in combination with the project? The possibility of widening Broadway Terrace should be included in the EIR. Broadway Terrace had a number of slides on it.

.2

**C. RESPONSES TO PUBLIC HEARING TESTIMONY**

The following responses are numbered to correspond to the associated testimony summarized in section B.

**41. Ivan Vegvary (Project Manager)**

41.1 See letter #3 herein and corresponding written responses by the city.

41.2 See response to related Comment 7.1.

41.3 See response to similar Comment 3.5.

41.4 See response to similar Comment 3.9.

41.5 See response to similar Comment 1.1.

41.6 See response to similar Comment 40.1.

42. William Weissberg, Montclair Investments, Inc. (Project Sponsor)

42.1 In regard to project driveway locations, see response to similar Comment 3.1. No other comments were made with respect to EIR adequacy.

43. Richard Schadt (Project Landscape Architect)

43.1 No comments were made with respect to EIR adequacy; no response is necessary.

44. Izzat Nashashibi (Project Engineer)

44.1 Modifications to the proposed project initiated by the project sponsor in response to the impact findings and recommended mitigation measures set forth in the EIR, including those modifications described by the commentor, would be subject to review by the city during the preliminary development plan and tentative map approval process, subsequent to EIR certification.

45. Paul Vincent (Project Architect)

45.1 See response to similar Comment 1.1.

46. Vivienne Verdon-Roe, Forest Park Homeowners Association

46.1 See response to related Comment 3.3.

46.2 See response to similar Comment 1.3.

47. Richard LeGates

47.1 See response to related Comment 40.1.

48. Andrew Allen

48.1 See response to similar Comments 26.1, 20.1 and 6.10.

49. William Hull

49.1 Comments do not pertain to EIR adequacy. No response is necessary.

50. Michael Porter

50.1 See response to similar Comment 1.1.

51. Gordon Henderson, City Planning Commissioner

51.1 Construction-period fire safety concerns include possible temporary blockages by construction equipment (trucks, etc.) of emergency access to existing homes on Gwin Road during the project construction period, and possible ignition of a fire in the woodland portions of the site during tree removal and project construction phases. Such fire protection concerns would be routinely addressed by the Fire Department in its review of the project subdivision map applicant. The project construction contractor could be required by the Fire Department to implement specific fire protection measures during the construction period (maintenance of 20 feet of clearance on Gwin Road, storage of portable fire fighting equipment onsite; installation of an onsite construction telephone, etc.).

51.2 The EIR specifically and adequately addresses project effects on the safety of the

Broadway Terrace/Gwin Road intersection, and recommends related mitigation requirements (see DEIR pages 89, lines 92, 93, 94, **95**, 96, 101, **102**, 103, **105**, 110 (**bottom of page**), and 111.

52. Nancy Fung

52.1 No comments were made with respect to EIR adequacy; no response is necessary.

53. Dave Riker

53.1 No comments were made with respect to EIR adequacy; no response is necessary.

54. Patricia Mitchell

54.1 The commentor states that issues of concern are addressed in the DEIR; no response is necessary.

55. Harry Metaxas

55.1 No comments were made with respect to EIR adequacy; no response is necessary.

56. Bruce Black, City Planning Commissioner

56.1 Project traffic impacts and related mitigation measures are addressed extensively and adequately on DEIR pages 87 - 114. The discussion was prepared by a certified transportation engineer, based on consultation with the city's Office of Public Works (see also list of contacts on DEIR page 217). As explained on DEIR page 107, the Oakland City Planning Department staff has indicated that there are no other development projects currently proposed or pending in the vicinity that, with the proposed project, would result in significant cumulative traffic impacts on the local roadway system analyzed herein. In addition, daily and peak-hour traffic volume

figures in the EIR indicate that the additions of 10 more units in the area (in addition to the project units) would result in average daily and peak period traffic increases (10 more two-way daily trips, approximately 10 of those occurring in the peak hour) which would be well under the operational capacity of the local roadway system, but would nevertheless add to existing safety constraints identified in the DEIR. See response to related Comments 51.2, 6.15, and 6.8.

56.2 The EIR includes a specific mitigation measure involving the widening of Broadway Terrace (see page 111), but also includes cautions regarding the geotechnical constraints associated with such a widening. See response to related Comment 11.3. Also, see response to Comments 26.1, 20.1, and 6.10 regarding slides.



#### **IV. REVISIONS TO THE DRAFT EIR (FINAL EIR ERRATA)**

*The following section includes all revisions to the Draft EIR made in response to comments received during the Draft EIR public review period. All text revisions are indicated by a bold r in the left margin next to the revised line. All of the revised pages supersede the corresponding pages in the Draft EIR.*

*Please note that this errata section includes a complete, stand-alone Summary chapter and a complete stand-alone Alternatives to the Proposed Action chapter for convenient use by city decision-makers and the public.*

Table 1

## **PROJECT DATA**

PROJECT NAME:	<b>Gwin Estates</b>	
SITE LOCATION:	Southwest corner of Broadway Terrace and Gwin Road (see Figures 1 and 2)	
SITE AREA AND PARCELIZATION:	<u>Parcel Number (APN)</u> 48G-7427-007-04	<u>Approx. Acreage</u> 4.08
EXISTING LAND USE:	One existing single-family detached house on an otherwise undeveloped parcel (see Figures 3 and 4).	
PROPOSED LAND USE:	Single-family residential Planned Unit Development, including ten single-family detached homes with attached two-car garages; average home size: approx. 3,200 sq. ft. (see Figure 6).	
VEHICULAR ACCESS:	Primary access via Broadway Terrace and Gwin Road, existing 20-foot-wide public streets, and "Gwin Court," a new, 22-foot wide, 265-foot long private cul-de-sac. Six homes would have driveway access onto the new Gwin Court, three directly onto Gwin Road, and one directly onto Broadway Terrace.	
CURRENT GENERAL PLAN DESIGNATION:	Suburban Residential (min. lot size: 10,000 sq. ft. or more per unit or a maximum of 4.4 d.u./acre); no change requested.	
CURRENT ZONING:	R-30: One-Family Residential (lot size: 5,000 sq. ft. or more per unit or a maximum of 8.7 d.u./acre); no change requested.	
REQUESTED SPECIAL PERMITS:	Approval of Planned Unit Development (P.U.D.) permit requested to allow lot access variations from normal R-30 zoning requirements, while maintaining the basic density requirement of 8.7 du/acre or less.	
APPLICANT AND PROPERTY OWNER:	Montclair Investments, Inc., Oakland	

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SOURCE: Wagstaff and Associates, May 1989

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## 1                   2                   3                   4                   5                   6                   7                   8                   9                   I. INTRODUCTION

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### 1                   2                   3                   4                   5                   6                   7                   8                   A. PREFACE

9  
10                   11                   12                   13                   14                   15                   16                   17                   18                   This report describes the possible environmental consequences of a proposed Planned  
Unit Development plan for a 10-unit, single-family residential development, the Gwin  
Estates project, on a 4.08-acre site in the north Oakland Hills. The assessment is  
designed to fully inform city decision makers, other responsible agencies, and the  
community at large of the proposed action and the effects of project approval. The  
report identifies those environmental impacts associated with the proposed project which  
are expected to be significant, and recommends possible mitigation measures which  
would eliminate or reduce such impacts to insignificant levels. The report also describes  
and evaluates a range of reasonable alternatives to the proposed project.

19  
20                   21                   22                   23                   The discussions of impacts, mitigation measures, and alternatives are intended to  
address all environmental issues to be resolved and all areas of controversy identified in  
the city's preliminary review of the proposed project, and in subsequent public responses  
to the city's preliminary review and Notice of Preparation.

24  
25                   26                   27                   28                   29                   This EIR is intended to serve as the required environmental documentation for the city's  
consideration of the proposed Planned Unit Development and associated preliminary and  
final subdivision development plans. This EIR may also serve as the environmental  
documentation, or part of the documentation, for consideration of this project by other  
responsible agencies.

1      B. PROPOSED ACTION

2

3      The current owner of the 4.08-acre project site, Montclair Investments, Inc., proposes to  
4      subdivide the property and develop a 10-unit single-family residential project under the  
5      provisions of the existing R-30 zoning. The entire site is within the Oakland city limits  
6      and is adjacent to existing residences along both Gwin Road and Broadway Terrace.

7

8      The project site currently consists of a ridge and adjacent ravine descending to the  
9      south. There is an existing single-family detached house on the ridge. The west slope  
10     of the ridge is covered by grasses and scrub brush. Eucalyptus woodland fills the  
11     ravine and covers the upper northwest- and south-facing slopes of the ridge. The  
12     woodland gives way to scrub brush on the lower reaches.

13

14     The Illustrative Future Land Use Map in the Land Use Element of the Oakland  
15     Comprehensive Plan (OCP) shows the project site as "Suburban Residential." This land  
16     use designation calls for a minimum lot size of 10,000 square feet per unit, or a  
17     maximum density of 4.4 units per acre. The OCP land use map designation is intended  
18     to be general in nature. Various specific OCP policies may take precedence over the  
19     land use map designation. In addition, the site is currently zoned R-30: One-Family  
20     Residential. The R-30 zone allows one unit per 5,000 square feet of land area, or 8.7  
21     units per acre maximum.

22

23     The applicant proposes no change in the current OCP land use map or city zoning  
24     r designations. However, the applicant has applied for a P.U.D. Permit to allow access to  
25     r six of the twelve project homes via a private access road (R-30 provisions limit the  
26     r number of homes on such private access drives to four), while conforming to the basic  
27     density limitations of the zone (8.7 du/ac maximum). As required under city P.U.D.  
28     permit procedures, the project application has been submitted in the form of a  
29     Preliminary Development Plan. The Preliminary Development Plan, as shown on Figure

1 6 herein, includes ten individually designed, single-family, detached homes, resulting in a  
2 gross density of approximately 2.5 units per acre. Under the applicant's development  
3 r schedule, project construction would occur over a three-year period. The proposed  
4 r private access road, Gwin Court, would be constructed during the first construction  
5 r phase (year one).<sup>1</sup> Project characteristics are described in detail in the Project  
6 Description section (Chapter III) of this report.

7  
8  
9 C. SIGNIFICANCE OF IMPACTS

10  
11 This EIR describes possibly significant project impacts and corresponding mitigation  
12 measures. Where it is determined that certain impacts would remain significant because  
13 no reasonably feasible mitigation measure has been identified in the EIR or because the  
14 mitigations that are identified may not reduce the impact to a level of insignificance, the  
15 EIR lists the impact as "unavoidable" in section VI.B (Unavoidable and Irreversible  
16 Adverse Effects). Impacts which are identified in this EIR as possibly significant, but  
17 which are not listed as "unavoidable" in section VI.B, have been determined to be  
18 capable of mitigation to a point of insignificance by imposition of the recommended  
19 mitigation measures.

20  
21  
22 D. PROJECT BACKGROUND

23  
24 The recent sequence of project proposals leading up to the preparation of this EIR is  
25 summarized below:

26  
27

---

28 r 1Ivan Vegvary, project engineer, testimony at October 4, 1989 Planning Commission public  
29 r hearing.

1    1. November 1987 Proposal

2

3    A similar 10-unit single-family residential subdivision plan, known as Tract 5843, was  
4    proposed for the project site in *November 1987* by a previous developer. The project  
5    was proposed as a private access easement and a conventional R-30 subdivision. A  
6    total of ten single-family-detached houses were proposed for construction on ten lots.  
7    The proposed lots ranged in size from 8,600 to 34,600 square feet, with an average lot  
8    size of approximately 17,500 square feet.

9

10   The November 1987 subdivision proposal was similar to the current P.U.D. proposal in  
11   many ways. The subdivision would have had a gross density of 2.5 units per acre.  
12   The project homes and the private access easement would have been located on the  
13   upper portions of the site (near Gwin Road and Broadway Terrace). The lower portions  
14   of the site would have been left as natural open space.

15

16   The city of Oakland Planning Department prepared an Initial Study and Statement of  
17   Negative Declaration on the November 1987 subdivision proposal in March 1988. After  
18   receiving numerous letters (30) from concerned residents in the project vicinity  
19   expressing opposition to the Negative Declaration, the city Planning Department  
20   reconsidered its original decision. The new applicant decided that an Environmental  
21   Impact Report was warranted to address areas of controversy identified in the  
22   neighborhood letters.

23

24   2. May 1988 Gwin Estates Development Proposal

25

26   The current applicant, Montclair Investments, Inc., took over the project in May 1988.  
27   Except for the proposed access to the residential units, the current Gwin Estates  
28   development proposal is similar to the earlier November 1987 scheme, in that ten lots  
29   and a private access to some of these lots are proposed, and the project homes and

1 access easement would be located on the upper portions of the site. The applicant has  
2 applied for a P.U.D. Permit to allow for the construction of a new private street, Gwin  
3 Court, which would provide access to six of the ten project units. Like the earlier  
4 scheme, one of the lots would front directly on Broadway Terrace, and the remaining  
5 three would front directly on Gwin Road.

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3 **II. SUMMARY OF FINDINGS**

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8 **A. PROPOSED ACTION**

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10 The project applicant, Montclair Investments, Inc., proposes to construct a ten-unit,  
11 single-family residential development on a 4.08-acre site adjacent to Broadway Terrace  
12 and Gwin Road. In order to accommodate the project on the hillside site under its  
13 existing R-30 zoning, the applicant has requested a Planned Unit Development Permit to  
14 r allow access to six of the ten units via a private street. The ten-unit preliminary  
15 r development plan generally conforms with the site's Oakland Comprehensive Plan (OCP)  
16 "suburban residential" land use designation and with R-30 zone density limitations (8.7  
17 du/acre maximum). Other project characteristics are summarized in Table 1 on the  
18 inside cover of this report, and on pages 2 and 3 of this EIR.

19

20

21 **B. RELATED ISSUES AND CONCERNs (EIR SCOPE)**

22

23 As called for in California State EIR Guidelines, the environmental focus of this report is  
24 limited to those areas of controversy known to the city (the Lead Agency), including  
25 those issues and concerns identified as possibly significant by city staff in their  
26 preliminary review of the proposed project, and by the public (including concerned  
27 neighborhood residents) in response to the city's preliminary review and Notice of  
28 Preparation.

29

30 The areas of controversy and issues to be resolved include:

31

1    1. **Land Use and Visual Factors**, including: (a) project compatibility with surrounding  
2    residential development, and in particular, project effects on the visual character of the  
3    Broadway Terrace/Gwin Road vicinity; (b) project consistency with the related land use  
4    policies of the Oakland Comprehensive Plan; and (c) project conformance with other  
5    related city land use, visual, fire protection, and water supply policies and regulations.

6  
7    2. **Transportation and Parking**, including impacts of the ten project homes on: (a)  
8    local vehicular traffic, (b) local roadway and pedestrian safety, (c) local neighborhood  
9    environments, and (d) local parking conditions.

10  
11   3. **Geotechnical Factors**, including: (a) the implications of existing topographic, soil,  
12   and geologic conditions for the proposed subdivision layout and grading scheme; and (b)  
13   project consistency with related city hillside development policies.

14  
15   4. **Drainage**, including: (a) the effects of the project on the volume and rate of storm  
16   drainage runoff from the site into downslope residential areas, and (b) the adequacy of  
17   the proposed onsite and existing offsite drainage system to accommodate these  
18   drainage changes.

19  
20   5. **Vegetation and Wildlife**, including project impacts on the existing eucalyptus  
21   woodland areas of the site, and its impacts on other onsite vegetative and wildlife  
22   values.

23  
24   6. **Noise**, including: (a) the impacts of project-related vegetation removal and vehicular  
25   traffic increases on noise levels in surrounding residential areas; (b) the compatibility of  
26   the residential project itself with the onsite noise environment; and (c) temporary project  
27   construction period noise impacts on nearby homes.

1      7. The comparative impact implications and choices among possible **alternatives to**  
2      **the proposed action**, including:

3

4      (a) the CEQA-required "no project" alternative, where the project site would be  
5      retained in its undeveloped state;

6

7      r (b) a **twelve-unit development concept** under R-30 zoning with no P.U.D. Permit  
8      r        (utilizing a new public road rather than a private road);

9

10     r (c) a **nine- or eight-unit development concept**, with a P.U.D. Permit (with private  
11    r        road access to six or seven of the eight or nine units);

12

13     r (d) a **seven-unit development concept** with a P.U.D. Permit (with private road  
14    r        access to five of the seven units);

15

16     r (e) **A four-unit development concept** with no P.U.D. Permit (with all four units served  
17    r        by the existing Gwin Road); and

18

19     r (f) development of a similar project on an **alternative site or sites** somewhere else in  
20    r        the subregion.<sup>1</sup>

21

22

23      C. SUMMARY OF IMPACTS AND MITIGATIONS

24

25      The following section briefly summarizes the anticipated environmental impacts and  
26      possible mitigation measures which have been identified in this EIR.

---

27     r        <sup>1</sup>This alternative has been included in response to recent Goleta court decisions calling for  
28    r        such an evaluation in project EIRs.

1    **1. Land Use and Visual Factors**

2

3    The project would add ten new homes to the upper Broadway Terrace area. The ten  
4    homes, surrounding landscaped yard areas, driveways, and access road would occupy  
5    approximately 2.4 acres or 58 percent of the 4.1-acre site. Project homes and road  
6    construction as planned would involve removal of the upper, roadside portion of the  
7    site's eucalyptus woodland. An estimated 163 (70 percent) of the approximately 230  
8    mature trees on the site (primarily blue gum eucalyptus) would be removed and  
9    replaced after completion of home and road construction with introduced native and  
10   ornamental trees and shrubs. The site's remaining side slopes (1.7 acres) would remain  
11   as privately-owned open space.

12

13    **Impacts**

14

15    **Mitigations**

16    Due to the prominence of the site as seen  
17   from Gwin Road and Broadway Terrace,  
18   and the confinement of project home, road  
19   construction, and associated grading and  
20   tree removal to the upper roadside portions  
21   of the site, the project would have a distinct  
22   visual impact and, particularly in the initial  
23   years before introduced project landscaping  
24   matures, would result in a significant  
25   adverse impact on the semi-rural character  
26   of the immediate Broadway Terrace/Gwin  
27   Road neighborhood.

28    Consider reducing the degree of grading  
29   and tree removal through elimination or  
30   reduction of development in the area  
closest to Broadway Terrace (see 9-, 8-,  
and 7-unit plan alternatives on Figures 24,  
25, and 26 of this EIR).

31    Project street lighting should be sensitively  
32   designed with low, focused luminaires.

	<u>Impacts</u>	<u>Mitigations</u>
1		
2		
3	The removal of the upper eucalyptus	None required.
4	woodland would also have certain	
5	significant beneficial impacts, including long-	
6	range view enhancement, improved sun	
7	exposure, and elimination of the messy and	
8	fire hazard aspects of eucalyptus (branch,	
9	bark leaf, fruit debris, volatile oil, etc.).*	
10		
11	No mechanisms are proposed to ensure	Specific measures, such as a "conservation
12	that designated downslope open space	easement," should be required with the
13	areas would remain unaltered.	Final Map to ensure permanent protection
14		of site hillsides below the upland
15		development area.
16		
17	The project would be similar in density,	None required.
18	layout, and lot size to existing residential	
19	development in the Broadway Terrace/Gwin	
20	Road area.	
21		
22	Project home and road construction would	The developer proposes to negotiate with
23	use or cover three unused city public utility	the city regarding the use or abandonment
24	easements which cross the site.	of these various easements.
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28 \*The Western Garden Book, by the editors of *Sunset Books* and *Sunset Magazine* (July 1987)  
29 describes blue gum eucalyptus as "too messy, greedy, and brittle for garden or city street"  
30 settings; the Oakland Fire Department has cited the fire danger.

	<u>Impacts</u>	<u>Mitigations</u>
1		
2		
3	EBMUD-planned expansions to the	None required.
4	Pinehaven Zone water supply and pumping	
5	capacity would solve existing local service	
6	deficiencies and adequately serve	
7	anticipated project needs.	
8	The project is consistent with Oakland	None required.
9	Comprehensive Plan (OCP) land use	
10	designations for the site.	
11		
12	The project is also in conformance with	None required.
13	OCP Housing Element policies.	
14		
15	Project tree removal and cut-and-fill	Consider reducing the degree of tree
16	aspects, and the placement of project	removal, and overall grading by elimination
17	homes and road on the visually sensitive	or reduction of development in the area
18	upper portions of the site may be	closest to Broadway Terrace (see 9-, 8-,
19	inconsistent with OCP hillside development	and 7-unit site plan alternatives on Figures
20	objectives to protect and preserve hill areas	24, 25, and 26 of this EIR).
21	in their natural state and to reserve "the	
22	most appropriate portions as permanent	
23	open space." On the other hand, site	
24	slope and geotechnical constraints dictate	
25	that development be confined to the upper	
26	portions of the site.	
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1	<u>Impacts</u>	<u>Mitigations</u>
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3	The project density of 2.5 units per acre 4 would be within the applicable R-30 zone 5 density limitation. However, the private 6 r street serving six of the ten project homes 7 r would be inconsistent with R-30 zoning 8 r provisions limiting such private driveway 9 r access to four units.	The applicant has applied for a P.U.D. permit. Under city P.U.D. provisions, certain R-30 zone requirements other than density can be waived.
10		
11	The project must conform to city fire 12 protection policies. Project wildfire 13 potentials associated with onsite eucalyptus 14 woodland, sage scrub, and grassland are of 15 particular concern to the Oakland Fire 16 Department.	A project site plan showing hydrant locations must be submitted to the Oakland Fire Dept. for approval. The project water system must meet minimum city fire flow requirements.
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23	<b><u>2. Transportation</u></b>	
24		
25	The 10-unit project could be expected to generate approximately 100 daily two-way trips 26 on an average weekday. Approximately ten of those trips wold occur during the PM 27 peak-hour (7 inbound and 3 outbound).	Wildfire potentials should be minimized through use of fire breaks, fire-resistant landscaping, fuel abatement, use of fire- resistant building materials, and installation of an appropriate fire alarm box.
28		
29		

	<u>Impacts</u>	<u>Mitigations</u>
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2		
3	The project would produce relatively small percentage increases in traffic volumes on all local streets, except for Gwin Road near Broadway Terrace where a more substantial relative PM peak-hour increase of 8 vehicular trips (62 percent) would be expected. These estimated traffic increases would not exceed the operational capacity of any roadway segments or intersections in the project vicinity.	None required.
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1	<u>Impacts</u>	<u>Mitigations</u>
2	Project-related increases in traffic volumes could be expected to correspondingly increase accident potentials due to the addition of project residents and visitors unfamiliar with the local street system. In particular, the additional traffic would contribute to existing concerns regarding the adequacy and safety of the westbound right-turn segment at the Broadway Terrace/Gwin Road intersection. The project-related increase in traffic volumes would also correspondingly increase existing safety concerns on local road segments with limited sight distances and/or restricted through-traffic clearance caused by onstreet parking or narrow pavement widths, and would increase existing hazards for pedestrians and bicyclists (streets in the vicinity lack continuous shoulder areas and sidewalks).	Gwin Road should be widened to a minimum pavement width (curb to curb) of 20 or, if possible, 24 feet along the project frontage between Gwin Court and Broadway Terrace (two 10-foot travel lanes).
3		Install a yield sign on the Gwin Road approach to the Broadway Terrace/Gwin Road intersection
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1	<u>Impacts</u>	<u>Mitigations</u>
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3	Vehicles backing out of the proposed lot 2	
4	driveway (see Figure 6, page 42) near the	
5	Broadway Terrace/Gwin Road intersection	
6	to travel south (downhill) on Broadway	
7	Terrace could back into the intersection,	
8	creating potentials for accidents, since	
9	vehicles travelling uphill (north) on	
10	Broadway Terrace would be hidden from	
11	view by the curve on Broadway Terrace.	
12		
13	A medium-sized gathering at any of the ten	Mitigate project parking inadequacies by
14	project units could result in some onstreet	providing six additional parking spaces for
15	parking along the 22-foot-wide private road	Gwin Court through some combination of:
16	or along Gwin Road, obstructing large	
17	emergency vehicle access (fire engines),	<ul style="list-style-type: none"><li>■ providing driveway aprons on lots 6,</li></ul>
18	and reducing street operation to one lane	<ul style="list-style-type: none"><li>7, and/or 8 capable of parking two</li></ul>
19	of traffic.	<ul style="list-style-type: none"><li>cars each</li></ul>
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<u>Impacts</u>	<u>Mitigations</u>
	At least four of the six added spaces should be common parking available for use by visitors to any of the six homes on Gwin Court.
Residents living along Gwin Road near Broadway Terrace and along Broadway Terrace immediately next to the project may experience "slightly" to "moderately" noticeable impacts on the quality of their neighborhood environment due to project traffic increases. Residents living along or near other segments of Gwin Road or Broadway Terrace would not be expected to experience a noticeable impact on the quality of their neighborhood environment due to project traffic.	None.

### 3. Geotechnical Factors

Grading for the proposed 265-foot long private street would involve approximately 1,100 cubic yards of excavation, cut depths up to 5 and 7 feet, fill depths up to 5 feet, and one cut slope of approximately 20 feet in vertical height. Fill would be placed on the upper portions of six lots (lots 2, 3, 4, 5, 6, and 9). The fill would build up the upper part of the onsite ravine. Engineered deposits would be up to 13 feet in depth, with an

1 overall fill slope vertical heights of up to 28 feet (3:1 gradient). An 18-inch high  
2 retaining wall would be constructed along the downslope edge of the private road.

3

4 Impacts

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6 Most of the project site is in a hillside area  
7 classified by the USGS as "generally  
8 stable" to "marginally stable." Part of the  
9 southern portion of the site and adjacent  
10 downslopes near the Ruthland  
11 Rd./Swainland Blvd./Fairlane Dr. area are  
12 classified as "unstable."

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5 Mitigations

The EIR includes numerous measures and conditions of grading permit approval in order to reduce slope instability risks to insignificant levels, including:

- 6 ■ cut-and-fill design criteria
- 7 ■ foundation design criteria
- 8 ■ drainage criteria
- 9 ■ revegetation criteria
- 10 ■ engineering design review  
11 requirements
- 12 ■ supplemental soil stability analysis  
13 and engineering specification needs
- 14 ■ grading progress reports and  
15 completion report requirements
- 16 ■ city grading inspections

	<u>Impacts</u>	<u>Mitigations</u>
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11	The project is 2,400 feet northeast of the Hayward Fault Special Studies zone, and there are no active fault traces on or immediately adjacent to the site.	Earthquake-resistant foundation design measures are recommended in this EIR.
12		
13		
14		
15	Nevertheless, significant, unavoidable earthquake shaking risks exist throughout the East Bay. A high magnitude earthquake could result in costly damage to project structures, roads, and utilities.	Uniform Building Code regulations imposed by the city will also reduce the degree of impact.
16		
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21	A portion of the cut slope for the private road cul-de-sac appears to have a slope of approximately 1.5:1 (horizontal:vertical).	Cut slopes in topsoil layers should have 3:1 gradients (horizontal:vertical); cut slopes in bedrock could be as steep as 2:1.
22		
23		
24	The applicant's geotechnical report recommends that cut slopes not exceed 2:1. If severely weathered bedrock or highly sheared bedrock is exposed, the project cut slopes may not perform satisfactorily, even with 2:1 sections.	Retaining walls should be used to support steeper cut-and-fill slopes.
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1	<u>Impacts</u>	<u>Mitigations</u>
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3 4 5 6 7 8	The applicant's geotechnical engineer has recommended removal of existing, non-engineered fill which exists onsite along Broadway Terrace and Gwin Road. Removal is not indicated on preliminary grading plan.	The existing fill should be removed.
9		
10 11 12 13 14 15 16 17 18 19 20 21	Erosion and movement of graded slopes and significant damage to the project could occur during an intense rainfall if the site storm drainage system and final grading plan were inadequately designed. High groundwater levels could destabilize both cut-and-fill and natural slopes. Inadequately maintained project drainage improvements could cease to function properly and reduce long-term slope stability.	The EIR includes a list of measures to mitigate project erosion and drainage hazards, including inspection requirements, subdrain and backdrain installation criteria, protection of cut-and-fill slopes from surface runoff, design criteria for the proposed downslope drainage outfall to mitigate erosion impacts below the site, other drainage measures, landscape irrigation limitations, and drainage maintenance plans and responsibilities.
22 23 24 25 26 27 28 29	Differential settlement could affect the upper 50-foot segment of the private street near Gwin Road (pavement repair could be required in the first few years after construction).	Fill design criteria to minimize differential settlement is described in this EIR.

1      **4. Drainage**

2

3      The proposed onsite storm drainage system would direct most runoff from the 10  
4      ~~residences~~ to the private street, then through a storm drain discharging onto rip-rap on  
5      the lower onsite portion of the ravine. The project civil engineer states that the drainage  
6      system would be designed to prevent any change in the rate of storm runoff from the  
7      site. However, the project would increase the total volume of runoff reaching the  
8      Ruthland Road cul-de-sac by approximately 3 percent. Conversely, the site contribution  
9      to overall runoff volumes flowing down hillsides towards Fairlane Drive would decrease  
10     from 0.4 cfs to 0.3 cfs during a 10-year storm. The applicant states that additional  
11     drainage measures would be included in the final project design to maintain the stability  
12     of open space hillsides adjacent to the project street and residences, including  
13     backdrains behind retaining walls and subdrains adjacent to building foundations.

14

15     Impacts

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17     Mitigations

18     The project would increase storm water  
19     flows in the lower ravine areas by about 3  
20     percent. Project flows would be  
21     concentrated at the one onsite discharge  
22     point in the ravine. Although rip-rap would  
23     be installed to dissipate the discharge, and  
24     the discharge point would be 595 feet from  
25     the nearest Ruthland Road home below,  
26     the change in flow velocity could increase  
27     erosion potentials in the ravine below the  
28     project, resulting in visual and other  
29     impacts (accumulation of sediment on lots  
30     and streets, etc.).

31     To minimize runoff velocity at the proposed  
32     storm drain discharge point, an oversized  
33     pipe and minimal pipe gradient should be  
34     used, subject to review and engineering  
35     evaluation by the Oakland Public Works  
36     Department.

ImpactsMitigations

The potential currently exists for localized flooding in the Ruthland/Swainland vicinity during future periods of unusually heavy rainfall due to clogged catch basins. The project site would increase runoff volume totals flowing to the Ruthland Road cul-de-sac by approximately 3 percent, and could be expected to contribute correspondingly to increased flooding potentials near local downslope catch basins on Ruthland Road and Swainland Road.

The drainage plan will be subject to review and engineering evaluations by the Oakland Public Works Department prior to construction. The project storm drainage system should be designed to operate without failing under severe storms, such as the 100-year event, as well as during a 10-year storm event. The applicant should be required to make a fair-share contribution to any downstream drainage system improvements determined necessary to correct existing or anticipated cumulative flooding problems in the drainage area into which the project flow would occur.

In general, the project is consistent with the Comprehensive Plan water resources policy calling for incorporation of natural drainage patterns in the design of new urban development to the extent possible. The development would continue to utilize existing natural drainage patterns in the vicinity. The direction of runoff flow onto adjoining lands would not change significantly.

None required.

1	<u>Impacts</u>	<u>Mitigations</u>
2	3 Project-related additions to current water 4 pollutant levels in the vicinity would not be 5 expected to constitute a significant long- 6 term water quality impact. There could be 7 significant short-term impacts on water 8 quality during the project construction 9 period (sedimentation) which could 10 adversely effect the city's storm drainage 11 system.	A construction period erosion control plan, as recommended by the San Francisco Regional Water Quality Control Board, should be prepared by the applicant. The plan should include the scheduling of construction operations, especially grading activities, during the dry season, and fast- growing revegetation of graded areas.

12	13	14 <b><u>5. Vegetation and Wildlife</u></b>
15	16	17 The project would eliminate or alter about 1.9 acres (70 percent) of the introduced 18 eucalyptus woodland and about 0.4 acres of the open grassland on the 4.1-acre site. 19 Up to 2.4 acres or 58 percent of the 4.1-acre site would be actively developed for 20 residential and associated infrastructure uses. After construction, removed trees would 21 be replaced with native and ornamental tree plantings. The remaining, undeveloped 22 portions of the site would be subject to vegetative management to reduce wildfire risks.

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	<u>Impacts</u>	<u>Mitigations</u>
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3	The proposed eucalyptus forest removal (70 percent, including upland areas along Broadway Terrace and Gwin Road) would result in a significant, highly noticeable impact on the existing visual and rural character of the neighborhood, particularly in the initial years before introduced landscaping matures.	Blue gum eucalyptus woodland and residential development are incompatible, unless adequately separated by a road or some other physical buffer. If the city wishes to reduce the degree of eucalyptus removal adjacent to Broadway Terrace, a reduction in the number of project units should be considered. The alternatives section of this EIR describes and evaluates four site plan alternatives with fewer units.
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20	The eucalyptus forest removal could increase the potential for onsite soil stability and erosion hazards.	Project landscaping plans, if effectively implemented, would eventually (10 to 20 years) mitigate these visual and neighborhood character impacts (when mature).
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25	The eucalyptus forest removal would also result in certain significant benefits, including removal of nuisance aspects (branch, bark, leaf, and fruit litter) and abatement of a significant wildfire hazard.	Revegetation of onsite slope areas, along with grading and drainage control measures recommended in this EIR, would mitigate this impact.
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2 Impacts

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4 Although cut-and-fill slopes would be re-  
5 vegetated, the existing woodland and  
6 grassland vegetation habitats on upper  
7 portions of the site would be radically  
8 altered. Nevertheless, the EIR biologist  
9 has determined that tree and grassland  
10 removal on the site would not be  
11 biologically significant, due to the lack of  
12 native vegetation and relatively unsuitable  
13 character of the existing vegetative  
14 habitats for native wildlife, and since no  
15 sensitive plant has been found onsite.

16

17 The project would result in loss of habitat  
18 for most wildlife species that currently  
19 frequent the site. The EIR biologist  
20 describes these wildlife impacts as minor.  
21 The anticipated introduction of project  
22 landscaping, and the lack of significant  
23 physical barriers to wildlife movements in  
24 the area, would provide for reduced wildlife  
25 use of the site.

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3 Mitigations

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4 None required, although the EIR does  
5 recommend specific measures to enhance  
6 the biological value of retained open space  
7 areas; and recommends modification of  
8 project grading plans to avoid or minimize  
9 filling of the woodland ravine.

10 None required, although the EIR does  
11 recommend specific measures to enhance  
12 the biological value of retained open space  
13 areas; and recommends modification of  
14 project grading plans to avoid or minimize  
15 filling of the woodland ravine.

<u>Impacts</u>	<u>Mitigations</u>
The proposed removal of a small number of Monterey pines and native oaks on the site would represent a more substantial, although biologically minor, loss. Those tree removal aspects would be subject to city tree preservation ordinance (permit) regulations. (Eucalyptus are specifically exempted from these regulations.)	The city would review required tree removal permit applications to determine which removals should be allowed, and which trees should be saved through modifications to the project design.
Remaining project woodland and scrub vegetation could present a significant fire hazard for project homes.	The EIR describes measures to reduce vegetation-related wildfire potentials, including vegetation clearing minimums around downslope structures.
The reduction of grassland, woodland, and scrub habitats caused by the project could result in a decline in those wildlife species associated with the these habitats as they migrate to other undeveloped areas in the north Oakland Hills, including nearby East Bay Regional Park District lands. Because these species are all relatively common to semi-rural and rural areas of the county, this project-related disruption would not be a significant biotic impact. In addition, project-related habitat losses would not be expected to affect any species of special concern.	See vegetative habitat mitigation measures listed on the preceding page.

1    **6. Noise**

2

3    **Impacts**

4

5    **Mitigations**

6    The projected onsite noise environment  
7    after project development would be within  
8    the "Normally Acceptable" category and  
9    would fall below the 60 dBA Ldn threshold  
10   of concern cited by the city's Building  
11   Department.

12   None required.

13   The effects of project-related tree removal  
14   on noise are thoroughly addressed in this  
15   EIR. The analysis indicates that the tree  
16   removal would cause a negligible or  
17   immeasurable change in average noise  
18   levels for existing homes in the project  
19   vicinity.

20   None required.

21   Project-generated traffic noise increases  
22   could be perceivable at the residence on  
23   Gwin Road adjoining the project's northern  
24   boundary, the two residences directly  
25   opposite the project's Gwin Road frontage,  
26   and the residence on Broadway Terrace  
27   adjoining the project to the southeast. The  
28   measurable increase in average noise  
29   levels at these residential frontages would  
30   be at most 2 dB, a "barely perceptible"  
change. The anticipated noise levels at

None required.

1	<u>Impacts</u>	<u>Mitigations</u>
2	3 these edges would remain below the city's 4 60 dBA Ldn standard. Project-related 5 traffic would not be expected to cause any 6 perceivable increases in noise levels at 7 other locations in the project vicinity.	
8	9 Noise from onsite residential activities could 10 be perceivable at those four homes on 11 Gwin Road and Broadway Terrace within 12 100 feet of onsite development. 13 Nevertheless, average noise levels would 14 remain below the applicable city standard. 15 At other existing neighborhood residences, 16 project-related activity noise would not be 17 expected to have a perceivable impact on 18 residential noise environments.	None required.
19	20 Significant short-term noise impacts on 21 adjacent residential areas could be 22 expected during the project <u>construction</u> 23 <u>period</u> . The highest construction noise 24 levels would probably occur during the 25 initial tree removal and grading phase (first 26 two to three weeks of construction). In 27 addition, construction-related vehicular 28 traffic could result in offsite roadside noise 29 impacts, particularly along Broadway 30 Terrace between SR 13 and Gwin Road.	Construction period noise mitigation measures are recommended in the EIR to alleviate short-term noise impact potentials (e.g., time limits on noise-generating construction activities, formulation of a noise disturbance plan, etc.).

1

2 **D. ALTERNATIVES TO THE PROPOSED ACTION**

3

4 As explained at the beginning of this summary, this EIR examines the comparative  
5 impact consequences of a number of alternatives to the proposed action, including a "no  
6 project" alternative, site plans incorporating revised unit totals (twelve, nine, eight, seven,  
7 and four units), and other project modifications. In response to CEQA guideline  
8 provisions calling for identification of the environmentally superior alternative, the  
9 environmental impact ranking of the various project alternatives evaluated in this EIR  
10 from most to least environmentally desirable, is summarized below. Only  
11 "environmental" factors were considered in this ranking. *Other considerations, such as  
12 local and regional housing needs, economic viability, and landowner intentions, were not  
13 considered.*

14

15 r	<b><i>Highest Environmental Ranking</i></b>	"No project" alternative
16	(most environmentally desirable)	
17 r		Four-unit development concept
18		
19 r		Seven-unit development concept
20		
21 r		Nine- or eight-unit development concept
22		
23 r		Proposed project (ten-unit development concept)
24 r		
25		
26	<b><i>Lowest Environmental Ranking</i></b>	
27 r	(least environmentally desirable)	Twelve-unit development concept
28		
29		



## PROJECT DESCRIPTION

*Note: This errata section includes only those pages from the Draft EIR Project Description which have been revised in response to comments received during the public review period. Revisions to the Draft EIR text are indicated by a bold r in the left margin next to the revised line.*



1 Gwin Court would cover roughly 0.20 acres of the 4.08-acre site, and would extend for  
2 approximately 265 feet from the centerline of Gwin Road to the furthest edge of the  
3 paved surface. This private street would be 49 feet wide at its connection with Gwin  
4 Road and would narrow to 22 feet wide approximately 60 feet from its Gwin Road  
5 connection. At this time, the applicant has not indicated whether onstreet parking along  
6 the private street would be prohibited. A 50-foot diameter cul-de-sac turnaround would  
7 be provided at the end of this roadway. The exact configuration of this private street  
8 would be finalized in consultation with the city, and would be subject to review and  
9 approval by the city's Public Works Department.

10  
11 The remaining four project residences would have direct access to either Gwin Road or  
12 Broadway Terrace. Three of the lots (#2, #9 and #10 on Figure 6) would have  
13 driveways on Gwin Road and one lot (#1) would have driveways on Broadway Terrace.

14  
15 (d) Parking Provisions. As described earlier in this section, all project homes would  
16 have attached two-car garages. In addition to the two garage spaces for each single-  
17 family home, there would be two uncovered offstreet spaces available on the driveway  
18 aprons of seven of the ten project homes. The three units at the cul-de-sac end of the  
19 private street (#6, 7, and 8 on Figure 5) would not have adequate driveway space to  
20 accommodate any offstreet parking in addition to the two garage spaces. Thus, the  
21 parking ratio for the development would be 3.4 offstreet parking spaces per dwelling  
22 unit. (The adequacy of these project parking provisions is discussed in section IV.B.2 of  
23 this EIR.)

24  
25 3. Grading Plan

26  
27 (a) Overall Approach. Figure 9 shows the applicant's preliminary grading plan. Figure  
28 10 shows exaggerated profiles of the private street and project sewer main, along with a  
29 representative grading section for the private street.



1  
2 The preliminary grading plan for the Gwin Estates project would involve a balanced cut-  
3 and-fill approach, including: (1) excavation of earth for construction of Gwin Court; and  
4 (2) filling of the upper ravine area at the corner of Broadway Terrace and Gwin Road to  
5 facilitate residential construction on that portion of the site (lots 2, 3, and 4). The  
6 r grading plan indicates that excavated material from one portion of the site would be  
7 utilized as engineered fill on another portion of the site. The project civil engineer states  
8 that grading operations would be designed to follow applicable geotechnical standards  
9 and regulations, and minimize cut-and-fill slopes. The intent of the project grading  
10 program is to keep the total excavation under 1,100 cubic yards. The preliminary  
11 grading plan (Figure 9) indicates that approximately 0.47 acres of the 4.08-acre site  
12 would be modified by the proposed cut-and-fill grading operations.

13  
14 This project grading plan would be subject to review and approval by the city's Public  
15 Works Department.

16  
17 (b) Private Street. As described earlier, the private street--Gwin Court--would be  
18 approximately 265 feet long. The street would be constructed across wooded slopes of  
19 30 percent or less. The proposed profile of Gwin Court is diagrammed on Figure 10. It  
20 should be noted that the roadway profile shown exaggerates the vertical scale by four  
21 times; i.e., the actual road profile would be one-fourth as steep as indicated on the  
22 figure. The initial 50 feet of the private street (where it connects to Gwin Road) would  
23 have a maximum grade of 6 percent. The next 70 feet of roadway length would have a  
24 20 percent grade. The next 90-foot segment would have a 12.5 percent grade. The  
25 final 70-foot segment would have a grade of 1.5 percent.

26  
27 The project civil engineer states that the private street would be designed to minimize  
28 the area to be graded through use of a concrete retaining wall (see Figures 7 and 9).  
29 Nevertheless, grading operations for this roadway would require significant cuts and fills,

1 as described in more detail in section IV.C of this EIR. The roadway surface shown on  
2 Figure 9 would cover about 0.20 acres of the site. Figure 9 also indicates that cuts into  
3 uphill slopes would be required below the 1,075-foot contour to accommodate the lower  
4 200 feet of the private street. The uphill slope along this segment (portions of lots 8  
5 and 10) would require cutting (see Figures 7 and 9). The resultant cut slope would  
6 have a maximum vertical height of approximately 20 feet and a maximum slope gradient  
7 of 1.46:1 (69 percent).

8

9 There would also be some fill of downhill slopes to construct the roadway foundation.  
10 Figure 9 indicates that the slope would be built up with fill above the 1,075-foot contour,  
11 particularly to support the uppermost 50 feet of the roadway. As shown in Figure 9, the  
12 maximum fill-slope gradient would not exceed 2:1 (horizontal-to-vertical). The maximum  
13 depth of fill would not exceed 5 feet.

14

15 The preliminary landscape plan (Figure 11, page 56) indicates that, in consideration of  
16 erosion and landslide risks, the cut-and-fill slopes above and below the new access road  
17 would be replanted after roadway construction.

18

19 (c) Retaining Walls. Figure 9 indicates that a retaining wall would be constructed  
20 along approximately 225 feet of the outboard (downslope) pavement edge of the private  
21 street (along the upper edge of lots 3, 4, 5, and 6) between the Gwin Road connection  
22 and the cul-de-sac turnaround, to stabilize the roadway foundation while minimizing the  
23 need for downslope fill. As indicated on Figure 7 and 9, the vertical height of this  
24 retaining wall would be approximately 18 inches above grade.

25

26 A second retaining wall would be constructed along the northern edge of the cul-de-sac  
27 (bottom edge of lots 8 and 10) to stabilize the uphill cut slopes here. The height of this  
28 retaining wall would be approximately 3 feet above grade.

29

1       (d) Individually-Designed Homes. The individually-designed homes would be located  
2       on the upper portions of the lots. The project architect states that the project would use  
3       structural designs which are adaptive to topographic contours, and thus, would minimize  
4       grading requirements, i.e., split-level units on drilled pier foundations, as illustrated on  
5       Figures 7 and 8. Similar foundations would be utilized to support individual driveway  
6       aprons.

7

8       r Nevertheless, Figure 9 indicates that some fill would occur on the upper portions of  
9       r three lots (lots 2, 3, and 4). The fill depth would be the thickest on lot 3, where the  
10       engineered deposits would be as much as 13 feet thick. The vertical height of the fill  
11       slope here would be approximately 28 feet, and would have a slope gradient of 3:1  
12       horizontal-to-vertical (33 percent).

13

14       (e) Public Utility Easements. The proposed subdivision configuration would also affect  
15       the public utility easement layout shown on Figure 9. Presently, these easements are  
16       unused. Only the 10-foot wide public utility easement which runs along the western  
17       edge of the site in a north-south direction would be retained for the project sewer main.  
18       (The project civil engineer states that an existing sewer clean-out is located within this  
19       easement at the northwesternmost corner of the site.) The developer proposes to  
20       negotiate with the city regarding the abandonment of the other public easements. The  
21       applicant's plans for use of the sewer easement, as well as to develop atop the other  
22       easements, would be subject to review and approval by the city's Public Works  
23       Department.

24

25

26

27

28

29



1 existing trees on the downhill slopes below the project residences on the eastern portion  
2 of the site would be retained. In addition, downhill slopes below the new homes on the  
3 western portion of the site would be revegetated with a variety of native grass and  
4 wildflower species.

5

6 Project-related landscaping along the roadway frontages and in the residential yard  
7 include several tree species, such as Italian stone pine (*Pinus pinea*), deodar cedar  
8 (*Cedrus deodara*), coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus*  
9 *agrifolia*), holly oak (*Quercus ilex*), California buckeye (*Aesculus californica*), American  
10 sweet gum (*Liquidambar styraciflua*), Japanese maple (*Acer palmatum*), evergreen pear  
11 (*Pyrus kawakamii*), laurels and flowering plums (*Prunus sp.*), and crabapples (*Malus*  
12 *sp.*).

13

14 9. Construction Phasing

15

16 r Completion of the project is anticipated to occur over a three-year period. Construction  
17 of the street and underground utilities aspects (storm drainage, water, sewer, electricity)  
18 would be completed during the initial phase of construction activity.

19

20

21 C. REQUIRED JURISDICTIONAL APPROVALS AND ACTIONS

22

23 Future development of the project site is governed by adopted city of Oakland general  
24 plan policies and R-30 zoning regulations. Approval of the applicant's development  
25 proposal will require action by the city of Oakland Planning Commission and City  
26 Council. The request for a P.U.D. permit to allow a new private street, Gwin Court, the  
27 associated Preliminary Development Plan, and the subsequent Final Development Plan  
28 must be approved by the Planning Commission, whose decision may be appealed to the  
29 City Council.

30



## SETTING, IMPACTS, AND MITIGATIONS

Note: The following "errata" pages include revisions to the Setting, Impacts, and Mitigations sections of the Draft EIR. All revisions are indicated by a bold *r* in the margin next to the revised line. all of the revised pages supersede corresponding pages in the Draft EIR





1 As described earlier in this report, the site layout requires the construction of a private  
2 street to provide access to the six interior lots (lots 3, 4, 5, 6, 7, and 8 on Figure 6,  
3 page 42). Therefore, the applicant has requested approval of a planned unit  
4 development permit to accommodate the private street. Under the city's zoning code,  
5 projects consisting of four acres or more may apply city Planned Unit Development  
6 provisions; i.e., may request a Planned Unit Development (P.U.D.) permit. Under city  
7 P.U.D. regulations, certain R-30 zone requirements can be waived to allow more  
8 adaptive and innovative site planning. P.U.D. regulations also allow for the provision of  
9 a private street. However, overall site density cannot be increased beyond the 5,000  
10 square foot R-30 standard.

11  
12

13 5. MITIGATION MEASURES

14

15 a. Project Consistency with City Hillside Development Policies

16

17 (1) In response to related Comprehensive Plan policies calling for the protection and  
18 preservation of hill areas in their natural state, the applicant should be requested to  
19 provide additional information on specific measures to be incorporated in the Final Map  
20 to ensure the permanent protection of site hillsides below the upland development area,  
21 perhaps through use of a conservation easement and associated conditions, covenants,  
22 and restrictions (CC&Rs), as further described under Mitigation b.(1) below.

23

24 (2) Measures to reduce runoff and erosion potentials to ensure project compliance with  
25 General Plan hillside policies are discussed in depth in the Geotechnical Factors and  
26 Drainage sections of this EIR.

27

28

29

30

1      b. Visual Impacts

2

3r The geotechnical and slope characteristics of the site would dictate that construction of  
4 any residential subdivision occur on the upper portion of the site. The downslope areas  
5 of the site are too steep and unstable to support safe residential development.  
6 Nevertheless, the following measures should be considered as possible ways of  
7r reducing the degree of visual impact to insignificant levels:

8

9      (1) The applicant-proposed permanent open space portions of the 4.08-acre site should  
10 be protected in perpetuity, perhaps through the establishment of a "scenic" or  
11 "conservation easement" across these hillside areas. Language could then be included  
12 in the conditions, covenants, and restrictions (CC&Rs) of each project lot which sets  
13 forth stringent restrictions on grading, construction, tree removal, introduced landscaping,  
14 and other potential visual disturbances.

15

16      (2) Consider reducing the size of the project through elimination or reduction of  
17 development on those lots closest to Broadway Terrace (lots 1, 2, and 3 on Figure 6),  
18 in order to substantially reduce the degree of woodland removal, and to retain existing  
19 long-distance views from vantage points along the adjacent segment of Broadway  
20 Terrace. The approach would eliminate development adjacent to Broadway Terrace,  
21r and thereby retain much of the existing character of the ravine's woodland habitat.

22

23      (3) Project street lighting should be sensitively designed to minimize impacts on  
24 nighttime views from surrounding neighborhoods. Low, focused luminaries should be  
25 spaced to provide minimum levels of street lighting necessary for security purposes.



1 Gwin Road where the street would be 49 feet wide (adjacent to lots 3 and 4). The  
2 street would extend for approximately 265 feet from the existing centerline of Gwin Road  
3 to the furthest pavement edge at the end of the street, and would have a 50-foot  
4 diameter cul-de-sac turnaround. The street would provide access from Gwin Road to  
5 the six interior projects (lots 3 to 8 on Figure 6, page 42). As shown on Figure 10  
6 (page 48), the roadway slopes downhill towards the cul-de-sac end and would have  
7 varying grades up to a maximum of approximately 20 percent. Because this private  
8 street would not conform to the R-30 zone's public street frontage requirements, the  
9 private road aspect of the project necessitates development under the city's Planned  
10 Unit Development procedures (i.e., a P.U.D. Permit). The precise configuration of the  
11 private street would be subject to review and approval by the Public Works Department  
12 as part of the P.U.D. Permit procedure.

13

14 r Three of the project units (#2, #9, and #10 on Figure 6) would have direct driveway  
15 r connections to Gwin Road west of the private street. One unit (#1 on Figure 6) would  
16 r have a direct driveway connection to Broadway Terrace.

17

18 (8) Sight Distances from Driveways. Sight distances for the proposed project  
19 driveways would be adequate for safe vehicular movement, except for the proposed lot  
20 2 driveway connection on Broadway Terrace access just south of the Broadway  
21 Terrace/Gwin Road intersection (see Figure 6, page 42). Vehicles backing out of this  
22 driveway to travel south (downhill) on Broadway Terrace could back up into the existing  
23 Broadway Terrace/Gwin Road intersection (see photograph on page 99). Such a  
24 movement would have a potential for causing accidents, since vehicles travelling uphill  
25 (north) on Broadway Terrace would be hidden from view by the curve on Broadway  
26 Terrace and would not be visible until within approximately 100 feet west of the  
27 intersection (see photograph on page 91). The proposed driveway to lot number 2 also  
28 appears to be in violation of city standards which prohibit driveways within 25 feet of  
29 any intersection (see O.M.C. Section 6-1.243).

30



1 photograph on page 99.)

2

3 (4) Offstreet Parking. To mitigate project parking inadequacies and prevent unsafe  
4 roadway obstruction by parked vehicles, six additional offstreet parking spaces should be  
5 provided along Gwin Court. Some combination of the following measures should be  
6 incorporated in the project design to accommodate these additional spaces:

7

8 a. Provision of driveway aprons on lots 6, 7, and/or 8 capable of accommodating two  
9 parked cars each;

10

11 b. Provision of a minimum pavement width of 28 feet along a portion of Gwin Court,  
12 with centerline striping, to provide two 10-foot travel lanes and an 8-foot parking lane  
13 along one side of the street (this measure would probably require construction of a  
14 retaining wall along the downhill side of the street); and/or

15

16 c. Provision of a paved parking pull-off or pull-offs.

17

18 In selecting the mitigation approach, provisions should include at least four stalls on  
19 Gwin Court which are separate from the private driveway aprons and are convenient for  
20 use by visitors to any of the six homes along the private road.

21

22 r (5) Driveway Re-Alignment. The driveway for the unit nearest the Broadway  
23 Terrace/Gwin Road intersection (lot 2 on Figure 6) should be redesigned. From the  
24 currently proposed driveway location, vehicles travelling uphill on Broadway Terrace  
25 would not be visible until the vehicles are within approximately 100 feet west of the  
26 r intersection. The driveway should be relocated to access Gwin Road at a point farther  
27 r west, or to access the private street.

28





1      2. IMPACTS

2

3      a. Grading Plan

4

5      The applicant's grading plan is shown on Figure 21. The figure indicates that  
6      approximately 0.47 acres of the 4.08-acre site would be involved in the grading  
7      operations. Pertinent characteristics of the project grading plan include the following:

8

9      (1) Grading for the Private Street. Grading for the proposed 265-foot long private  
10     street would involve substantial cuts into the existing hillside. Overall, project cut  
11     operations could involve up to 1,100 cubic yards of excavated material. The excavated  
12     material would subsequently be utilized onsite as engineered fill material. Roughly 0.20  
13     acres of the site would be covered by the proposed private street. Within the area  
14     required for the roadway foundation, the depth of cut would range up to approximately 5  
15     feet. However, to accommodate the lower 200 feet of this roadway, the uphill cut slope  
16     on portions of lots 9 and 10 (see Figure 21) would have cut depths from 0 to 7 feet.  
17     The top of this cut slope area would have a vertical height above the roadway surface  
18     of approximately 20 feet (again, see Figure 21).

19

20     The 1987 Baldwin-Wright preliminary geotechnical investigation report recommended that  
21     cut-slopes on the site not exceed 2:1, horizontal-to-vertical.<sup>1</sup> A portion of the cut slope  
22     north of the private street cul-de-sac appears on Figure 21 to have a slope gradient of  
23     1.46:1 (69 percent). Therefore, this part of the cut slope appears to be inconsistent with  
24     the recommendations of the applicant's geotechnical study.

25

26     Grading for the private street would also require fill to support the upper 50 feet of the  
27     roadway. As much as 5 feet of fill depth would be required for the roadway foundation.

28  
29

---

<sup>1</sup>Baldwin-Wright, Inc., Preliminary Engineering Geologic Investigation--Proposed 10-unit Subdivision.



1 In addition, fill within the upper portions of four lots along the edges of this roadway  
2 (lots 3, 4, 5, 6, and 9 on Figure 20) would be required for an adequate roadway  
3 foundation.

4

5 (2) Fill on Residential Lots. As mentioned above, fill would be placed on the upper  
6 r portions of five residential lots. Additional fill would be placed on the upper portions of  
7 r three lots (2, 3, and 4 on Figure 20). The depth of this fill would be greatest on lot 3,  
8 where engineered deposits would be as much as 13 feet thick. As shown on Figure 21,  
9 the overall vertical height of this fill area from "toe" to "crown" would be approximately  
10 28 feet. The slope gradient of the fill would be 3:1 horizontal to vertical, or 33 percent,  
11 and would be consistent with Baldwin-Wright recommendations. Nevertheless, it is not  
12 clear that the proposed fill on the upper portions of lots 2, 3, and 4 is essential. It  
13 appears that the fill here is proposed as a means of balancing overall cut and fill and to  
14 facilitate home design and construction at the cost of the resultant tree removal.

15

16 (3) Retaining Wall. A retaining wall would be constructed along the outboard  
17 (downslope) pavement edge of the private street to stabilize the roadway foundation and  
18 adjoining downward fill slope, as shown on Figure 21 (along lots 3, 4, 5, and 6). The  
19 vertical height of this retaining wall would be approximately 18 inches.

20

21 Figure 21 also shows a second, 3-foot high retaining wall along the northern edge of the  
22 cul-de-sac (lots 9 and 10) to stabilize the uphill cut slope.

23

24 (4) Grading for Residences. Figure 21 does not show any grading for project  
25 residences or driveways. As described in the Project Description, the project architect  
26 states that residential construction would utilize drilled pier foundations, and therefore,  
27 only a minimal amount of grading would be required for each residence. Similar  
28 foundations would be utilized to support individual driveway aprons.

29

1       (5) Utility Trenches. Figure 21 indicates the installation of a project sewer line and  
2       storm drainage line on the site. Utility trenches would be dug for these lines. After  
3       installation, these trenches would be backfilled and surface compacted to the original  
4       ground level. It appears that a portion of the proposed sewer main alignment would  
5       require excavations of over 20 feet in depth, which would be undesirable. The  
6       alignment could also result in inadequate accessibility for inspection, maintenance, and  
7       repair. For these reasons, the Office of Public Works considers the proposed sewer  
8       layout to be unacceptable.<sup>1</sup>

9

10      (6) Private Street Curb and Gutter. The private street would incorporate a six-inch  
11       concrete curb and gutter to direct street runoff to the project storm drainage line.

12

13      (7) Public Works Department Review and Approval. The proposed grading plan  
14       described above would be subject to review and approval by the city's Public Works  
15       Department. In addition, any geotechnical reports prepared for the applicant, along with  
16       applicable geotechnical mitigation measures for the project, are subject to review and  
17       approval by the Public Works Department.

18

19      b. Fault Hazards

20

21      The project site is 2,400 feet northeast of the Hayward Fault SSZ. Furthermore, there  
22       are no identified active fault traces on or immediately adjacent to the site. Thus the  
23       proposed Gwin Estates project would not be subject to the provisions of the Alquist-  
24       Priolo Act. Nevertheless, there would be some earthquake-related risks on the site due  
25       to ground shaking in the event of a major earthquake along the Hayward Fault. These  
26       significant, unavoidable, earthquake-related risks exist throughout the entire East Bay.

27

---

28      <sup>1</sup>Interoffice memo of August 8, 1989, between the Office of Public Works and the City  
29       Planning Department.

1 According to the Association of Bay Area Governments<sup>1</sup>, in the event of a high  
2 magnitude earthquake on the Hayward fault, it can be anticipated that structures in the  
3 area, including the project site, would undergo "very strong" ground shaking at San  
4 Francisco Intensity C.<sup>2</sup> High magnitude earthquakes originating elsewhere in the Bay  
5 Area region would also be capable of producing damage in the north Oakland Hills,  
6 although such damage would probably be less severe. At San Francisco Intensity C,  
7 even well-designed structures meeting the current requirements of the Uniform Building  
8 Code are likely to experience damage. The damage cost factor<sup>3</sup> for a modern one- or  
9 two-story wooden frame structure is 5 percent at San Francisco Intensity C<sup>4</sup>, i.e., a  
10 building with a replacement cost of \$200,000 could be expected to sustain \$10,000 in  
11 damage from ground shaking. This dollar estimate assumes that the immediate vicinity  
12 of the building is not subject to surface fault rupture or other related types of ground  
13 failure.

14  
15 A high magnitude earthquake on the Hayward fault could also severely damage the  
16 project street system and public utility lines. The cost of repairing damage to roads  
17 constructed in hillside locations can be substantial. The frequency and dollar cost  
18 cannot be accurately predicted. However, through proper engineering and adequate  
19 maintenance, these costs can be kept to a minimum.

<sup>1</sup>Perkins, J.B., Maximum Groundshaking Intensity (map), Association of Bay Area Governments, 1983.

28       <sup>4</sup>Perkins, J.B., Using Earthquake Intensity and Related Damage to Estimate Earthquake  
29       Intensity and Cumulative Damage Potential from Earthquake Groundshaking (working paper),  
30       Association of Bay Area Governments, 1982.

1

2     c. Soil Stability Implications

3

4     (1) Cut Slopes. Baldwin-Wright has recommended that cut slopes on the Gwin Estates  
5     project site should be 3:1 (33 percent) in topsoil, and 2:1 (50 percent) in competent  
6     bedrock. However, as described earlier, a portion of the cut slope shown on Figure 21  
7     north of the proposed private street cul-de-sac appears to be as steep as 1.46:1 (69  
8     percent), which would exceed this Baldwin-Wright standard. Moreover, if severely  
9     weathered or highly sheared bedrock is exposed, the cut slope here may not perform  
10    satisfactorily even in the 2:1 cut sections.

11

12     (2) Proposed Fills. As discussed earlier in this section, the grading plan also indicates  
13    that project grading would involve the placement of fill along the upper 50 feet of the  
14    roadway and fill of the upper portions of five lots along the edges of this roadway (lots  
15    3, 4, 5, 6, and 10 on Figure 21), as well as the placement of fill on the upper portions  
16    of three lots (2, 3, and 4). These fill slopes would have maximum slope gradients of  
17    3:1 horizontal-to-vertical, and would be consistent with Baldwin-Wright recommendations.

18

19     At this time, no specific plans to remove the existing, non-engineered fill on the site  
20    along Broadway Terrace and Gwin Road are indicated in the applicant's preliminary  
21    plan. The Baldwin-Wright report recommends removal of this existing fill.

22

23     (3) Relative Slope Stability. The Baldwin-Wright report confirms the Figure 19 (USGS)  
24    indication that the portion of the project site proposed for development is "generally  
25    stable to marginally stable". As shown on Figure 21, grading would be limited to areas  
26    along the private street and the upper ravine area; most of the remainder of the site  
27    would not be graded. Nevertheless, inadequate drainage of the site during a period of  
28    intense rainfall, particularly in combination with earthquake-related ground shaking, could  
29    induce movement of the graded slopes and significant damage to the project, unless



1     ■ All roof drainage and surface runoff should be directed into appropriate storm  
2         drainage facilities; subdivision storm drainage facilities should be designed to  
3         handle 100-year storm runoff volumes.

4

5     ■ All cut-and-fill slope areas should be revegetated with deep rooted, broad-leaf  
6         vegetation.

7

8     b. Additional Geotechnical Mitigation Measures

9

10    In addition to the above measures recommended by the applicant's geotechnical  
11    engineer, the EIR authors and EIR geologist suggest that the following mitigations be  
12    included as conditions of project approval:

13

14    r (1) Measures to Minimize Fill. The applicant should explore alternative grading  
15    r approaches for lots 2, 3, and 4 which might reduce filling and resultant vegetation  
16    removal in the upper ravine.

17

18    (2) Measures to Mitigate Seismic Hazards

19

20     ■ Uniform Building Code regulations imposed by the city on all new residential  
21         construction will serve to reduce the degree of damage to project structures due to  
22         seismic shaking. In addition, new homeowners could limit related future dollar  
23         losses by purchasing geologic hazard insurance or earthquake insurance.

24

25     ■ Project grading activities should be periodically inspected by a qualified engineering  
26         geologist. If any fault traces are identified during construction, warranted  
27         modifications of the grading and drainage designs should be incorporated. In



1 Recognizing the significance of construction-period sedimentation impacts on local and  
2 regional water quality, the San Francisco Bay Region Water Quality Control Board has  
3 issued a general resolution stating that local governments have primary responsibility for  
4 control of erosion and have adequate power to adopt and administer effective  
5 enforcement programs. The Regional Board has enforcement authority over such  
6 matters and will take actions against jurisdictions that do not adequately control  
7 sedimentation problems.

8

9 (3) Groundwater Quality. Because of the relative lack of groundwater on the site and  
10 the presence of Claremont Shale and Sobrante Sandstone bedrock on the site,  
11 differential settlement and associated potentials for building foundation and pavement  
12 failure caused by changes in groundwater content would not be expected.

13

14

15 3. MITIGATION MEASURES

16

17 a. Project Storm Drainage System

18

19 (1) As a condition of Final Map approval, site storm drainage facilities, including project  
20 subdrainage improvements, must be engineered to adequately handle storm drainage  
21 runoff to the satisfaction of the city's Department of Public Works. (Because storm  
22 runoff would flow offsite through city of Oakland facilities, the drainage plan will be  
23 subject to review and engineering evaluations by the Oakland Public Works Department  
24 prior to construction.)

25

26 r (2) The project grading and drainage plans should eliminate the proposed additional fill  
27 r of the upper ravine area or should include specific subdrainage provisions to mitigate  
28 potential erosion and slope stability impacts associated with the proposed filling of the  
29 existing ravine through lots 2 and 3.



1 degree of eucalyptus woodland removal on the project site, particularly on those portions  
2 of the site directly adjacent to Broadway Terrace, a reduction in the number of project  
3 r units should be considered. The Alternatives section of this EIR describes and  
4 r evaluates four project site plan alternatives with fewer units.

5

6 (3) Protection of Remaining Onsite Vegetation. The remaining onsite vegetation,  
7 particularly in the existing woodland ravine, should be protected from filling.

8

9 b. Fire Protection

10

11 (1) Reduction of Fire Hazards. Measures to reduce vegetation-related wildfire  
12 potentials on the site, including the clearing of vegetation around building pads and  
13 removal of flammable debris from the remainder of the site, should be incorporated into  
14 the project construction program. The Fire Department recommends 30-foot minimum  
15 clearance around all structures on level ground and 50-foot minimum clearance around  
16 all structures constructed on downhill slopes.

17

18 (2) Educational Brochure--Vegetative Management. Because of fire potentials in the  
19 project vicinity, educational brochures provided by the city's Fire Prevention Bureau  
20 should be distributed to new homeowners and residents. These educational materials  
21 should include recommendations for landscaping design, vegetative management, and  
22 fire retardant plant species.

23

24 c. Landscaping

25

26 (1) Landscaping Plan. The preliminary landscaping plan should be revised to stress  
27 use of native species more heavily, and to rely less on use of introduced ornamental  
28 species.

29

1       (2) Revegetation of Cut Slopes. Cut slopes along the proposed new road (Figures 9  
2       and 21) will be difficult to revegetate, and will be subject to erosion if vegetation cannot  
3       be reestablished. Measures beyond hydromulching should be required, such as use of  
4       erosion control fabric, shrub and wildflower plantings, and subsequent plant  
5       establishment work, including watering, to ensure that these areas become revegetated  
6       as soon as possible.

7  
8       (3) Revegetation of Cleared Areas. As recommended in other sections of this EIR,  
9       areas which are to be cleared and not built on or paved should be revegetated by the  
10      applicant as soon as possible to minimize the potential for soil erosion. Revegetation  
11      should emphasize a locally adapted mix of annual grasses such as brome (*Bromus* sp.),  
12      fescue (*Festuca* sp.), and wild oat (*Avena fatua*), and herbs such as California poppy  
13      (*Eschscholzia californica*), vetch (*Coronilla varia*), lupine (*Lupinus* sp.), clover (*Trifolium*  
14      sp.), applied as a hydromulch treatment, including straw mulch and fertilizer.  
15      Recommended seed and fertilizer proportions and other specifications can be obtained  
16      from local hydromulch contractors. Such a treatment should be made prior to the first  
17      rainy season following ground clearing of the site. Ground coverage by seeded  
18      vegetation should be no less than about 60 percent, with follow-up reseeding of any  
19      substantial bare areas (greater than 150 square feet) if vegetation does not grow.  
20      Supplemental revegetation should be conducted prior to the next rainy season.

21  
22      The revegetation cover may be only temporary, pending individual landscaping of the  
23      residential lots by their new owners. Regardless, plant cover should be established and  
24      maintained on any disturbed ground that may be subject to a rainfall exposure without  
25      alternate landscaping. Areas which are not subject to eventual individual landscaping,  
26      but are nevertheless disturbed, should receive a hydromulch treatment, or possibly hand  
27      planting, which includes some perennial species such as coast live oak, deerweed  
28      (*Lotus scoparius*), ceanothus (*Ceanothus* sp.), bush lupine (*Lupinus albifrons*), and bush  
29      monkeyflower (*Diplacus aurantiacus*).

---

## 1 2 V. ALTERNATIVES TO THE PROPOSED PROJECT 3 4 5 6 7

---

8 The proposed Gwin Estates residential development plan on Figure 6 (page 42) has  
9 been considered in this assessment as the principal proposal for development of the  
10 subject site, and has thus been subjected to detailed impact analysis in this EIR. To  
11 provide a further understanding of the impacts of the project and possible approaches to  
12 r reducing identified impacts, and to meet CEQA requirements, six alternatives to the  
13 r proposed action are described and briefly evaluated in this chapter. The six alternatives  
14 are:

15  
16 A. No Project. The CEQA-required no project alternative, assuming continuation of  
17 the present use of the land.

18  
19 r B. Twelve-Unit Residential Development without a P.U.D. Permit. Development of the  
20 r site with a twelve-unit R-30 subdivision (two more units than proposed), utilizing a 32-  
21 r foot-wide public street rather than the proposed 22-foot-wide private street, to serve six  
22 r internal lots. A P.U.D. Permit would not be required for a public street.

23 r  
24 r C. Nine- or Eight-Unit Residential Development with a P.U.D. Permit. Development of  
25 r the site with a nine- or eight-unit subdivision (one or two less than proposed), utilizing a  
26 r 22-foot-wide private road to serve the six internal lots, and reducing or avoiding  
27 r development in those portions of the site along Broadway Terrace.

28  
29 r D. Seven-Unit Residential Development with a P.U.D. Permit. Development of the site  
30 r with a seven-unit subdivision (three less than proposed), utilizing a 22-foot-wide private  
31 r road to serve five internal lots, and avoiding development in the portions of the site

1 r along Broadway Terrace.

2

3 r E. Four-Unit Residential Development. Development of four new homes along the  
4 r south side of the existing Gwin Road, with no new private or public road construction.

5

6 r F. Alternative Sites. Development of a project similar to the current proposal for the  
7 r Gwin Road site, but at an alternative site somewhere else in the subregion (this  
8 r alternative is included in the discussion in response to the recent Goleta court decisions<sup>1</sup>  
9 r calling for such an analysis in project EIRs).

10

11 The following analysis compares each alternative with the proposed project with respect  
12 to land use, visual, transportation, geotechnical, drainage, vegetation and wildlife, and  
13 noise impacts.

14

15

16 A. NO PROJECT

17

18 1. Principal Characteristics

19

20 The no-project alternative would involve maintaining the existing characteristics of the  
21 site without any new construction. The existing residential structure would remain, and  
22 the rest of the site would remain in its forested-scrub-grassland state until another  
23 subdivision proposal is submitted under the current land use policies and regulations set  
24 forth in the Oakland Comprehensive Plan and zoning ordinance, or until some action is  
25 taken such that the property is acquired by some entity for the purposes of permanent  
26 open space preservation.

27

---

28 r <sup>1</sup>Citizens of Goleta Valley v. Board of Supervisors of the County of Santa Barbara, (1988),  
29 r 245 Cal.Rptr. 339.

1 At some point in the future, another development proposal for this site could be brought  
2 forward, perhaps by a different applicant and/or before a different group of city decision-  
3 makers. Under this scenario, eventual development of the entire site could be similar to  
4 the current proposal, although the density and total number of units could vary, within  
5 the range set forth in the Suburban Residential land use designation. The total number  
6 of future project units could increase to as many as 17 and still comply with the 4.4  
7 units per acre density limit for Suburban Residential over the 4.08-acre site. However,  
8 given the site geotechnical constraints and the potential significance of project grading  
9 and associated visual impacts, it would be highly unlikely that substantially more than 11  
10 single-family-detached units would be approved at some future time.

11

12 Alternatively, concerned neighborhood residents could negotiate with the project  
13 applicant/property owner to acquire all or part of the 4.08-acre site, perhaps through the  
14 formation of an *Upper Broadway Terrace Homeowners Association*. Such acquisition  
15 could ensure that all or part of the site would be retained as permanent open space.  
16 Through the formation of a neighborhood homeowners association, those relatively flat  
17 portions of the site could be used for limited recreational use (e.g., a small  
18 neighborhood play area).

19

20 2. Mitigating Effects

21

22 In the interim, the "no project" alternative would temporarily preserve 4.08 acres of  
23 undeveloped hillside land. The site would continue to contribute significantly to the a  
24 semi-rural, open space character of the Broadway Terrace/Gwin Road area. Moreover,  
25 project-related increases in local traffic volumes and municipal service demands would  
26 be eliminated or postponed. This alternative would also at least temporarily avoid the  
27 proposed 1,100 cubic yards of cut-and-fill on the project site, as well as related removal  
28 of a significant number of eucalyptus and pine trees. Project drainage and construction  
29 period noise impacts would also be eliminated or postponed. In addition, if the current

1 project does not proceed, this could result in either: (1) the preparation of another  
2 development plan, or (2) more time to negotiate possible acquisition of all or part of the  
3 4.08-acre site as permanent open space. It should be noted, however, that no existing  
4 neighborhood acquisition mechanism (homeowners or park association) or private funds  
5 have been identified for this purpose.

6

7 3. Adverse Effects

8

9 As previously stated, the postponing of development could result in a future Suburban  
10 Residential development proposal that would produce a greater development density and  
11 larger residential population, and still be consistent with city residential land use policies.

12 r Although it is unlikely that a development proposal for more than 12 units would be  
13 approved by the city, given the site's existing development constraints, a future  
14 development plan with more units would lead to incremental increases in traffic,  
15 geotechnical, drainage, noise, and municipal service impacts, and could substantially  
16 increase project adverse visual impacts.

17

18 r B. TWELVE-UNIT RESIDENTIAL DEVELOPMENT WITHOUT A P.U.D. PERMIT

19

20 r 1. Principal Characteristics

21

22 r For purposes of comparison, this alternative incorporates a 12-unit site plan concept  
23 r prepared by the applicant's engineer in 1986. The alternative is depicted on Figure 24.  
24 r The design incorporates a dedicated public road to serve six of the internal lots. This  
25 r proposal would not require a P.U.D. Permit.

26

27

28

29

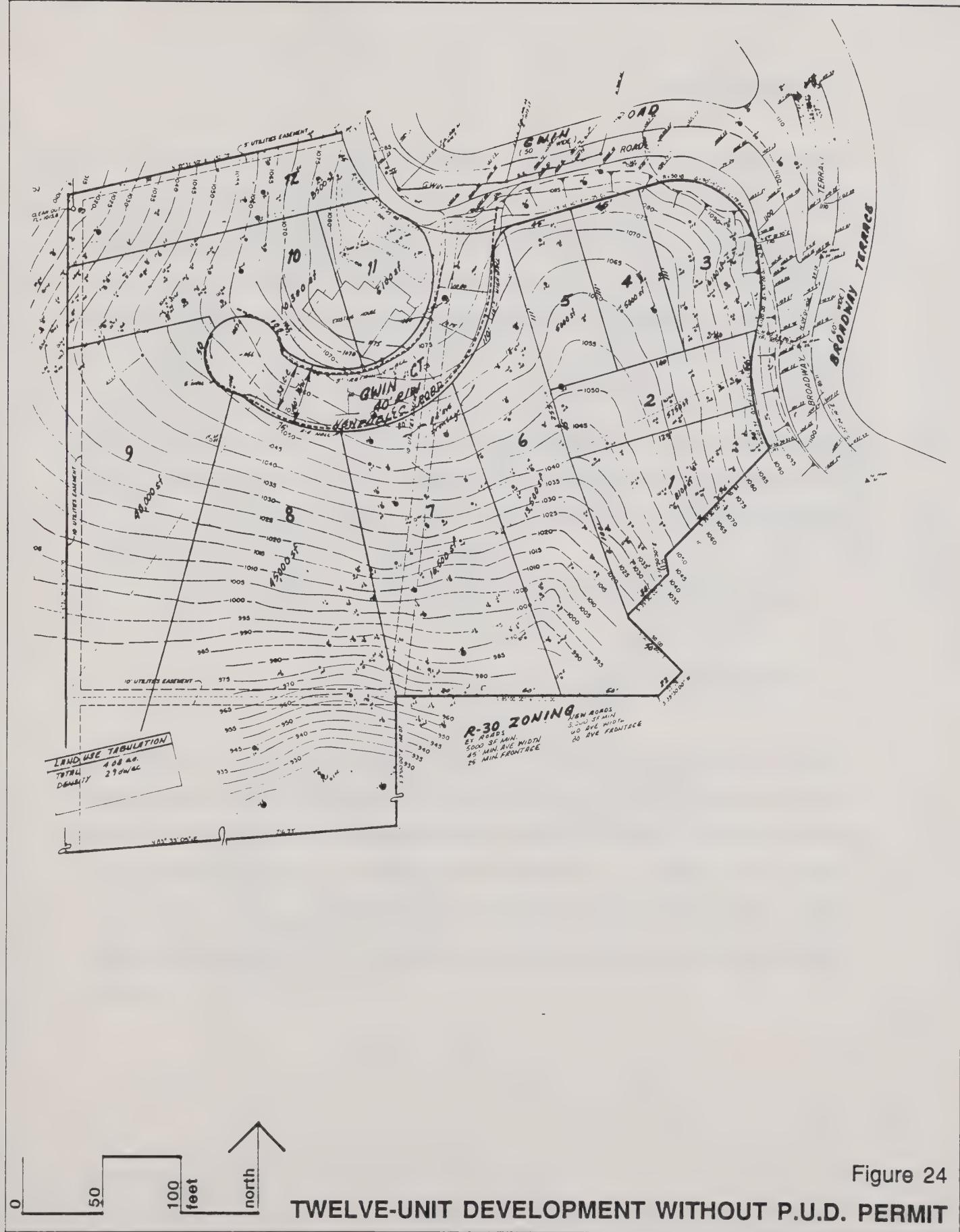


Figure 24

1 r

2 r 3. Adverse Effects

3

4 r The increase in the number of project units from 10 to 12 could be expected to result in  
5 r a corresponding increase of 20 percent in project-generated traffic. The project lot  
6 r layout would require individual driveway arrangements which would be more closely  
7 r spaced, and more difficult to implement, and with greater impacts on the operation of  
8 r the Broadway Terrace/Gwin Road intersection. The wider access road (10 more feet in  
9 r width) along with the driveways, building pads, etc., would require substantially more  
10 r grading and tree removal, with associated significant increases in project visual,  
11 r geotechnical, drainage, and biotic (tree removal) impacts. Similarly, the additional two  
12 r lots would be expected to result in corresponding increases in project visual, parking,  
13 r geotechnical, drainage and biotic (tree removal) impacts.

14

15 r C. NINE- OR EIGHT-UNIT RESIDENTIAL DEVELOPMENT WITH A P.U.D. PERMIT

16

17 r 1. Principal Characteristics

18

19 Under this alternative, the development scheme would incorporate a reduction in the  
20 intensity of residential development from ten to eight or nine units in order to reduce  
21 project visual and geotechnical impact potentials and improve vehicular and pedestrian  
22 safety at the Broadway Terrace/Gwin Road intersection. A reduced development  
23 r scheme for nine single-family detached units is shown on Figure 25. A reduced  
24 r development scheme for eight single-family detached units is shown on Figure 26.

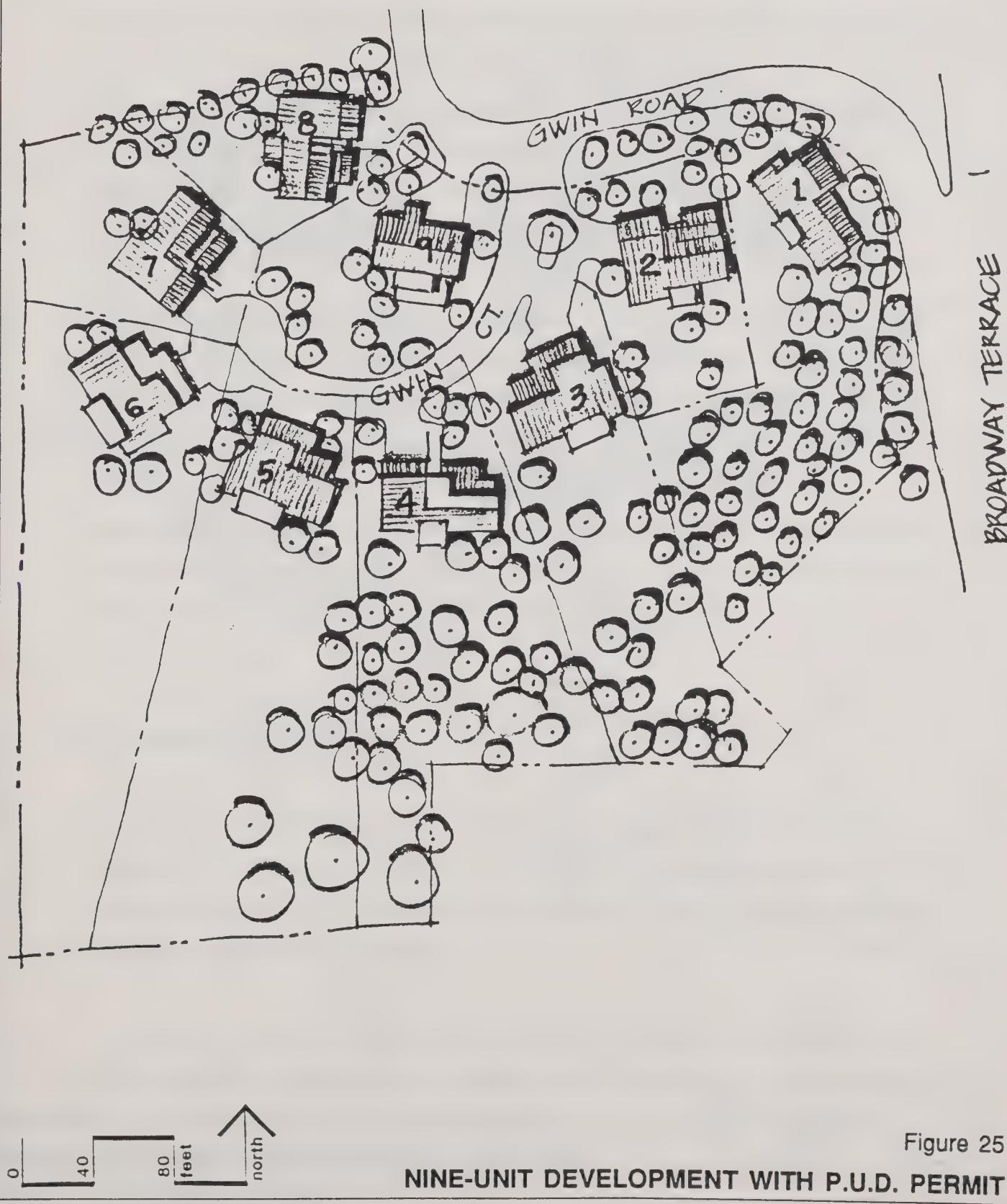
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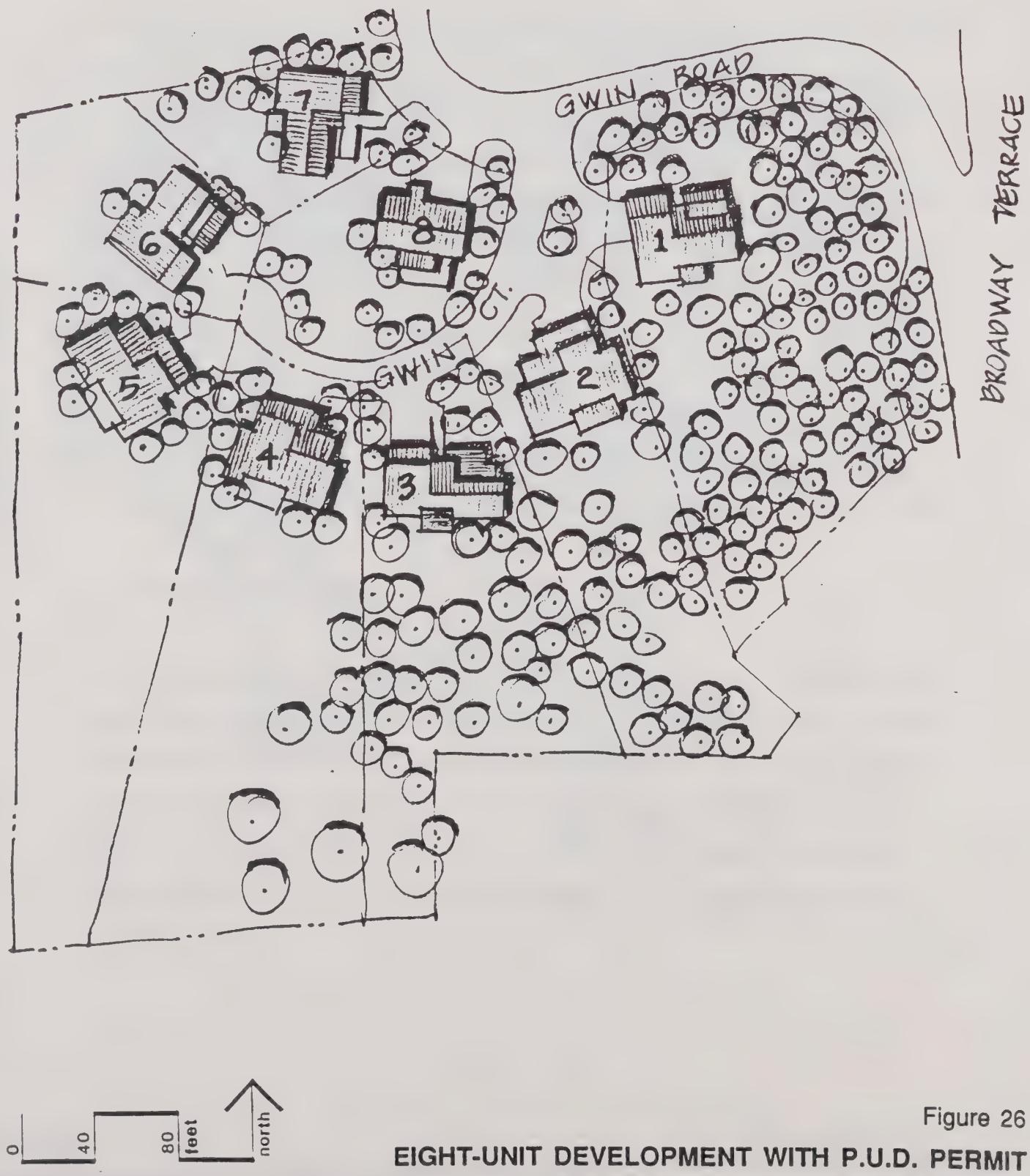
26 r

27

28

29





1 r Under the nine-unit scheme, the southernmost of the two lots on Broadway Terrace  
2 r would be removed to reduce the degree of forest removal and associated visual  
3 r impacts. Under the eight-unit scenario, development would be set back from Broadway  
4 Terrace along the entire length of the site frontage on that collector street. Further, the  
5 eight-unit scenario would eliminate both proposed homesites on the eastern upper ravine  
6 area (1 and 2 on Figure 6), allowing preservation of a substantial portion of the  
7 eucalyptus woodland in the ravine, including those trees along Broadway Terrace and  
8 along the southeast boundary of the site (near Broadway Terrace).

9

10 The 10-unit project currently proposed would have an overall density of approximately  
11 2.5 dwelling units per acre (10 units on 4.08 acres). Reduction of residential  
12 development to nine-units would result in an overall density of 2.2 dwelling units per  
13 acre (9 units on 4.08 acres); the eight-unit scenario would result in an overall density of  
14 2.0 dwelling units per acre (8 units on 4.08 acres). Thus, under both reduced  
15 development schemes, the project density would be less than the 3.0 d.u./acre density  
16 of the 10 nearest homes on Gwin Road and slightly more than the 1.5 units per acre  
17 density of the six residential lots south of the site along Broadway Terrace (see Figure  
18 12, page 63).

19

20 2. Mitigating Effects

21

22 Both of the two reduced residential development schemes would increase project  
23 consistency with city Comprehensive Plan hillside and resource protection policies. The  
24 r nine-unit development would also remain consistent with the city's Suburban Residential  
25 r designation and density requirements.

26 r

27 The reduction in residential development in the upper ravine area, particularly with the  
28 r eight-unit scenario, would significantly reduce project visual impacts. Under this scheme,  
29 r the most visible portion of the onsite eucalyptus woodland could be preserved.

1 In addition, the reduction in project units would be reflected in corresponding reductions  
2 in demands on municipal services, and a reduction in construction period noise impacts  
3 for adjacent residences.

4

5 r The reduction in project units would also be reflected in corresponding reductions in  
6 project-generated traffic. The elimination of one project home would reduce project ADT  
7 and PM peak-hour traffic volumes by 10 percent. The elimination of two project homes  
8 would reduce project ADT and PM peak-hour traffic volumes by approximately 20  
9 percent. Moreover, under the two schemes, vehicular and pedestrian safety would be  
10 enhanced at the Broadway Terrace/Gwin Road intersection, due to the elimination of the  
11 driveway opening on Broadway Terrace just south of the intersection with Gwin Road.  
12 The eight-unit scheme would further enhance vehicular and pedestrian safety on  
13 Broadway Terrace near the site through the elimination of both proposed driveway  
14 openings onto Broadway Terrace.

15

### 16 3. Adverse Effects

17

18 The reduction in residential development would be expected to result in the construction  
19 of housing of a higher cost per square foot than currently proposed. Moreover, the  
20 lower development yield of the reduced development site plan, in combination with the  
21 high costs of preparing the upper areas of the site for residential development and  
22 providing road access, sewer, and water to the development areas, may or may not  
23 prove to be economically feasible. The project would still result in similar, although  
24 reduced, geotechnical, drainage, and construction noise impacts.

25

26

27

28

29

1 r D. SEVEN-UNIT RESIDENTIAL DEVELOPMENT WITH A P.U.D. PERMIT

2

3 r 1. Principal Characteristics

4

5 Under this alternative, the development scheme would be reduced to seven lots and  
6 would incorporate additional modifications to the plan to reduce project grading and tree-  
7 removal impacts, as well as associated visual and traffic impacts. This modified  
8 r development scheme is shown on Figure 27.

9 r

10 r As shown on Figure 27, the principal features of the mitigated site plan would be a  
11 r further reduction in the number of units from ten down to seven units, and the  
12 r movement of the residential areas back from the northern site boundary and from  
13 Broadway Terrace and the Broadway Terrace/Gwin Road intersection. Under this  
14 r revised scenario, the homesites would be located on the most suitable portions of the  
15 r site: most of the seven units would be built on slopes of 30 percent or less. No units  
16 r would be built on slopes equal to or greater than 50 percent.

17

18 Development of the site at this reduced level would result in overall density of  
19 approximately 1.7 dwelling units per acre (7 units on 4.08 acres). For comparison, the  
20 project as currently proposed would have an overall density of approximately 2.5  
21 dwelling units per acre.

22

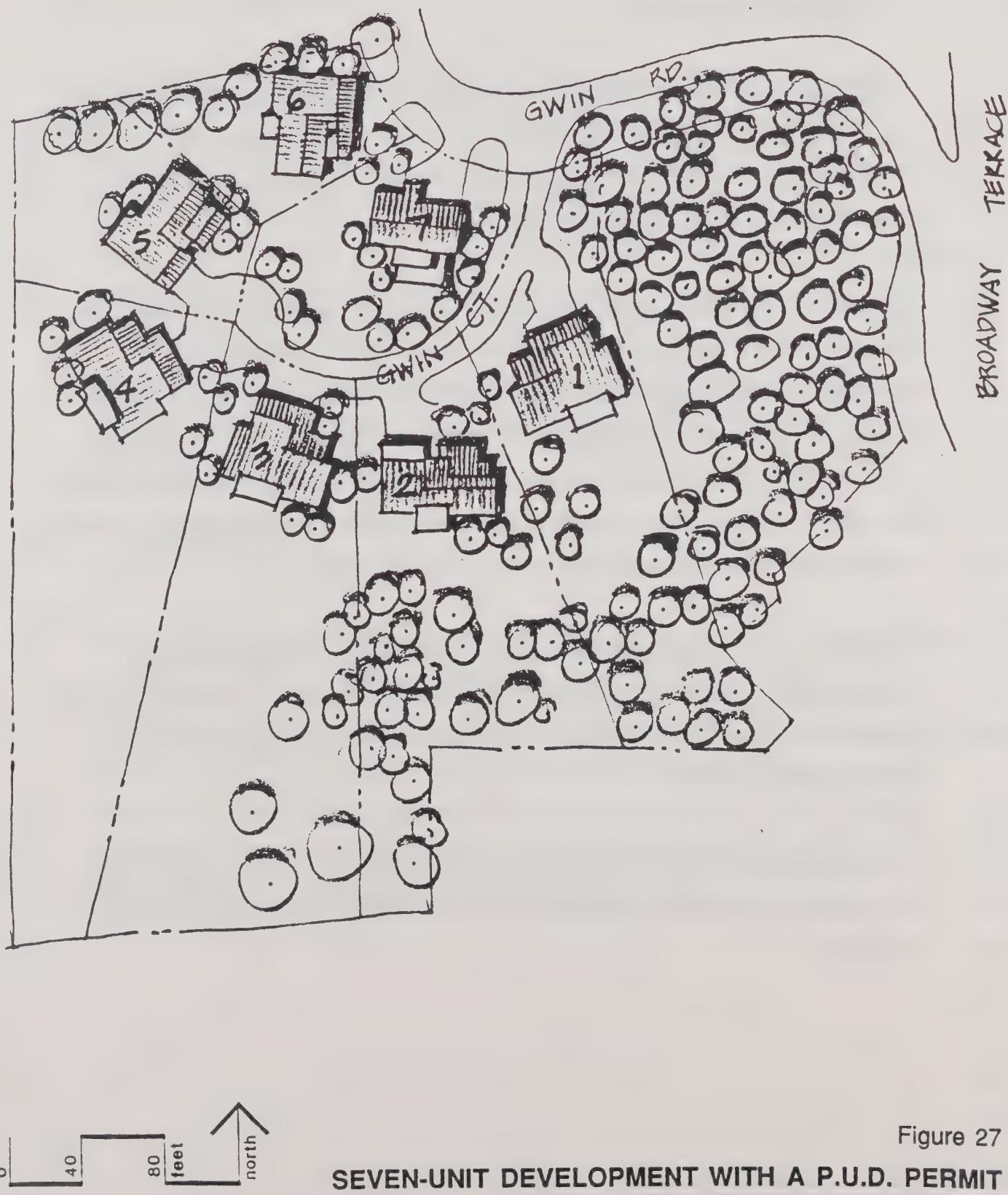
23 r Two of the seven project units would have direct driveway access onto Gwin Road.  
24 r Five would have access to local streets via Gwin Court. A P.U.D. Permit would be  
25 r required.

26

27

28

29



1      2. Mitigating Effects

2

3      This alternative would increase project consistency with city Comprehensive Plan hillside  
4      and resource protection policies. The reduced development area would also remain  
5      consistent with the Suburban Residential designation and density requirements, and  
6      would be more consistent with the existing residential density south of the site, although  
7      substantially lower in density than the existing residential development pattern along  
8      Gwin Road. The minor reduction in onsite grading would, in general, reduce associated  
9      erosion potentials. Further, as a result of the minor reduction in grading and the  
10     substantial reduction in residential development, the level of runoff volume increase  
11     along the lower ravine would also be reduced.

12

13     The reduced number of units would also reduce the degree of tree removal and related  
14     adverse visual impacts. The development would increase residential setbacks from the  
15     northern site boundary and from Broadway Terrace, and would allow preservation of  
16     most of the highly visible portion of the onsite eucalyptus woodland.

17

18     The reduction in project units would also be reflected in corresponding reductions in  
19     project-generated traffic. The elimination of three project homes would reduce project  
20     ADT and PM peak-hour traffic volumes by 30 percent. Moreover, vehicular and  
21     pedestrian safety would be improved at the Broadway Terrace/Gwin Road intersection  
22     as well as along Broadway Terrace near the site due to the reduction in the number of  
23     driveway openings onto Broadway Terrace.

24

25     In addition, the reduction in project units would also be reflected in corresponding  
26     reductions in demands on municipal services.

27

28

29

1     3. Adverse Effects

2

3     Similar to Alternative B, the reduction in residential development would be expected to  
4     result in the construction of housing of a higher cost per square foot than those  
5     currently proposed. Moreover, the lower development yield of the mitigated site plan, in  
6     combination with the high costs of preparing the upper areas for residential development  
7     and providing road access, sewer, and water to the development areas, may or may not  
8     prove to be economically feasible.

9

10

## 11    r E. FOUR-UNIT RESIDENTIAL DEVELOPMENT

12

13    r 1. Principal Characteristics

14

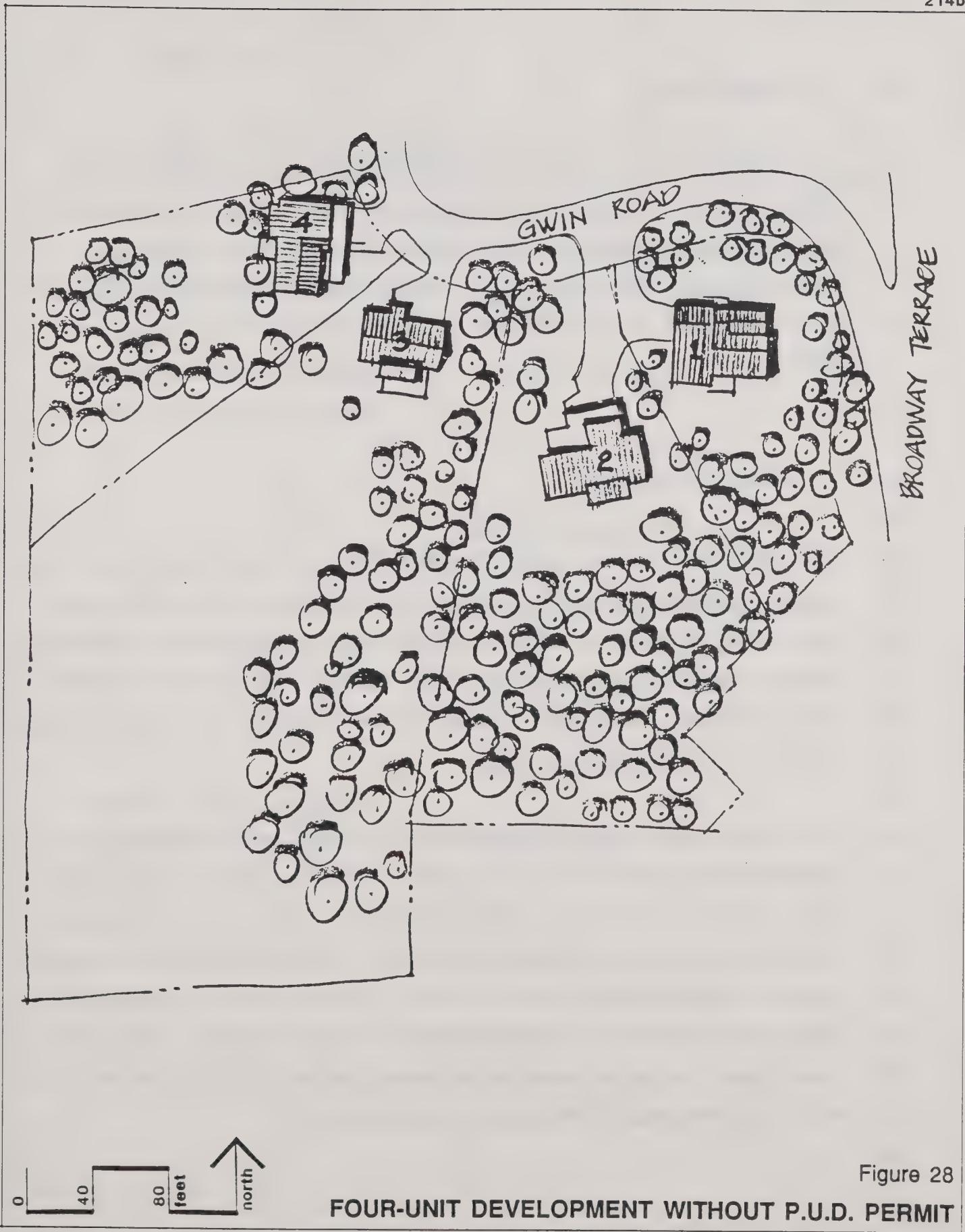
15    r Under this alternative, the development program would be reduced to four lots fronting  
16    r directly on Gwin Road. The project would be reduced to a minor subdivision, involving  
17    r home construction only. No road construction would be involved. Figure 28 depicts this  
18    r alternative.

19

20    r 2. Mitigation Effects

21

22    r This alternative would reduce project traffic generation by 60 percent, and would reduce  
23    r necessary grading and tree removal by similar amounts. As a result, project visual,  
24    r traffic, geotechnical, drainage, and biotic impacts would be reduced correspondingly.  
25    r The concept would eliminate the roadway cut-and-fill requirements and associated slope  
26    r stability and erosion impacts and mitigation needs. As shown on Figure 28, much of  
27    r the eucalyptus forest could be retained, and construction in the ravine drainage swale  
28    r could be reduced or avoided. Parking impact implications for Gwin Road would be  
29    r reduced.



1

2 r 3. Adverse Effects

3

4 r This alternative would not result in any significant additional adverse environmental  
5 r impacts. However, the reduction in the project yield to four units could be expected to  
6 r result in substantially greater home construction costs per square foot, meaning  
7 r significantly higher home selling prices. These development yield and cost factors may  
8 r prove to undermine the feasibility of the project, and thus defeat the basic project  
9 r objectives.

10

11

12 F. ALTERNATIVE SITES

13

14 The Appellate Court decision, Citizens of Goleta Valley vs. Board of Supervisors of the  
15 county of Santa Barbara, clarified and expanded CEQA requirements for EIRS, ruling  
16 that they may be required to include evaluation of alternative site locations for proposed  
17 projects. While the court ruling noted that this evaluation is not required in all cases, in  
18 acknowledgement of the Goleta ruling, alternative site possibilities have been examined  
19 for the Gwin Estates project.

20

21 No alternative undeveloped, residentially-designated parcels of comparable size to the  
22 proposed 4-acre Gwin Road site were identified in the upper Broadway Terrace area,  
23 based on contacts with the city's Planning Department. Due to the nature of existing  
24 residential land uses and parcelization in the project vicinity, development of the 10-unit  
25 project on an alternative site under four acres in size would result in a higher project  
26 density with potential land use incompatibilities with adjacent residential uses, greater  
27 visual impacts, and greater impacts on the overall character of the north Oakland Hills,  
28 than would development of the project on the proposed site.

29

30

1 r G. CONCLUSIONS

2

3 In response to CEQA guideline provisions calling for identification of the environmentally  
4 superior alternative, the comparative environmental impact ranking of the various project  
5 r alternatives evaluated in this EIR is listed below. *Only "environmental" factors were*  
6 r *considered in this ranking. Other considerations, such as local and regional housing*  
7 r *needs, economic viability, and landowner intentions, were not considered.*

8

9	<b>Highest Environmental Ranking</b>	No Project Alternative
10	<i>(most environmentally desirable)</i>	
11 r		Four-Unit Development Plan
12		
13 r		Seven-Unit Development Plan
14		
15 r		Eight- or Nine-Unit Development Plan
16		
17 r		Proposed Project
18		
19 r		Twelve-Unit Project
20	<b>Lowest Environmental Ranking</b>	
21 r	<i>(least environmentally desirable)</i>	Alternative Sites
22		
23		
24		
25		
26		
27		
28		
29		



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